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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 29th December, 2017:—

BILL NO. 176 OF 2016

A Bill to provide for the payment of subsistence allowance to farmers and agricultural labourers in order to provide social security to them and their family members and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Subsistence Allowance to Farmers and Agricultural Labourers Act, 2016.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "agricultural labourer" means any person who works on land belonging to others for wages in cash or kind having a total family income of not more than rupees three thousand per month from all sources;

(b) "applicant" means a farmer or agricultural labourer who has applied for the subsistence allowance;

(c) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(d) "family" means the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card;

(e) "farmer" means any person who owns agricultural land not exceeding four hectares and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system having a total family income of not more than rupees five thousand per month from all sources; and

(f) "prescribed" means prescribed by rules made under this Act.

Subsistence allowance to the farmers and the agricultural labourers.

3. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall pay subsistence allowance at the rate of:—

(a) rupees three thousand per month to every farmer; and

(b) rupees one thousand and five hundred per month to every agricultural labourer.

Sub-Divisional Officer to work as the nodal Officer.

4. (1) The appropriate Government shall appoint an officer not below the rank of Sub-Divisional Officer as the nodal officer for the purpose of identification of beneficiaries under the provisions of this Act.

(2) The nodal officer shall invite applications in such form, as may be prescribed, for availing of subsistence allowance under the provisions of this Act from amongst farmers and agricultural labourers who are eligible for payment of subsistence allowance under the provisions of this Act and who have been working as such farmer.

Block Development Officer to receive applications.

5. The appropriate Government shall designate an officer not below the rank of Block Development Officer for the purpose of receiving applications from farmers and agricultural labourers for payment of subsistence allowance under this Act.

Application for subsistence allowance.

6. Any person who intends to apply for subsistence allowance under this Act shall apply to the Block Development Officer for registration of his name in such form as may be prescribed under sub-section (2) of section 4.

Block Development Officer to collect and forward the applications.

7. (1) The Block Development Officer shall collect all the applications and forward them to the Sub-Divisional Officer.

(2) The Sub-Divisional Officer shall, after holding such inquiry as he may deem necessary, but, in no case later than thirty days from the date of receipt of applications, either admit or reject the application:

Provided that in case no decision is made on an application within thirty days, the applicant shall be deemed to be eligible for payment of subsistence allowance under this Act.

(3) The Sub-Divisional Officer shall record, in writing, the reasons for rejection of an application, if any, under the Act.

(4) Any applicant aggrieved by the decision of the Sub-Divisional Officer may prefer an appeal to the District Magistrate in such form and manner as may be prescribed.

(5) The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the applicant shall be given a reasonable opportunity of being heard.

(6) It shall be the duty of the Sub-Divisional Officer to maintain, review and publish a tehsilwise list of the beneficiaries under the Act once in every six months.

8. The mode of payment of subsistence allowance to the farmers and agricultural labourers and their family members, in case of death of a farmer or agricultural labourer, shall be such as may be prescribed by the Central Government.

Mode of Payment of subsistence allowance to family members of agricultural labourers or farmers.

9. Every State Government and Union territory administration shall set up a special cell at the district and the State level for the purposes of monitoring the implementation of the provisions of the Act.

Every State Government and Union territory administration to set up a special cell.

10. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Farmers and Agricultural Labourers Welfare Fund.

Constitution of Farmers and Agricultural Labourers Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) There shall also be credited to the Fund such other sums as may be received by way of donation, contribution or assistance.

(4) The Fund shall be utilized for carrying out the purposes of this Act.

11. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Central Government to provide adequate funds.

12. (1) Whoever contravenes the provisions of this Act shall, on conviction, be liable to a fine which may extend to one thousand rupees.

Penalty.

(2) In case the convicted person is an employee of the Central/State Government/ Union territory administration, the penalty provided under sub-section (1) shall be in addition to the departmental disciplinary action initiated against him.

13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but except as above, the provisions and the rules made under this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act to have overriding effect.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Agriculture is a prominent sector of Indian economy. About two-third population of the country is dependent on agriculture for their livelihood. Recent times have witnessed phenomenal growth in other sectors due to heavy public-private investments. Lack of investment in agriculture has resulted in de-accelerated growth and increase in input-cost of agricultural produce. To overcome the resource constraints, agriculturalists fall back upon loans secured at high rates of interests from banks and financial institutions. Failed crops, ineffective pesticides, poor quality of seeds and high debts have led to multiple incidents of suicides by farmers across the country.

A healthy agricultural sector is essential not only for food security of the nation but also to keep inflation and prices of essential commodities under check. An unprofitable and debt-ridden agricultural sector would not be able to provide for even the basic needs of farmers, agricultural labourers and their dependents. Therefore, there is an urgent need to address the basic needs of the farmers and agricultural labourers.

The Central and State Governments are under constitutional obligation to ensure the survival of the farmers and to provide financial resources for agriculture in order to prevent any further loss of lives.

In view of the above, the farmers and agricultural labourers need the support of the State so that their economic handicap do not come in the way of their survival and social development.

Hence the Bill.

NEW DELHI;
July 4, 2016.

BHOLA SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of subsistence allowance to the farmers and the agricultural labourers. Clause 9 provides for setting up of special cells at the District and State level for the purposes of monitoring the implementation of the provisions of the Act. Clause 10 provides for constitution of a Farmers and Agricultural Labourers Welfare Fund. Clause 11 provides that Central Government shall provide adequate funds to the State Governments for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten thousand crores per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of rupees one hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only the delegation of legislative power is of a normal character.

BILL NO. 199 OF 2016

A Bill to provide for the rehabilitation and financial assistance to the victims of natural calamities and for matters connected therewith.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Victims of Natural Calamities (Rehabilitation and Financial Assistance) Act, 2016.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Commissioner” means the Commissioner appointed under section 3;

(b) “natural calamity” includes drought, flood, cyclone, hailstorm, cloud burst, tsunami, landslide or earthquake or such other conditions as may be notified by the appropriate Government from time to time;

(c) “prescribed” means prescribed by rules made under this Act; and

(d) “victim of natural calamity” means a person who suffers physical bodily harm or whose property, including livestock, crop, orchard, field, machine or tools, is lost, destroyed or damaged due to natural calamity and includes, in the case of death of such victim due to natural calamity, his family members.

3. (1) The Central Government shall appoint a Commissioner in such manner as may be prescribed for providing financial assistance and other benefits to the victims of natural calamities.

Appointment of Commissioner for providing financial assistance and other benefits to victims of natural calamity.

(2) The Commissioner appointed under sub-section (1) shall be provided with such staff as may be necessary for efficient discharge of his duties under this Act.

(3) It shall be the duty of the Commissioner to ensure provision of food, adequate shelter and financial assistance to the victims of natural calamity in such manner as may be prescribed.

(4) The financial assistance to the victims of natural calamity shall be disbursed as early as possible but not later than three months from the occurrence of the natural calamity.

4. (1) A claim for receiving financial assistance shall be made in the prescribed form by the victims of natural calamity to the Commissioner, who shall disburse the financial assistance to the victims, after making such inquiry and in such manner, as may be prescribed.

Financial assistance and other benefits to the victims of natural calamity.

(2) The victim of natural calamity shall be provided with the following financial assistance and other benefits:—

(a) in case of loss of life,—

(i) financial assistance in the form of a compensation of not less than five lakh rupees shall be given to the next of the kin of the deceased; and

(ii) suitable employment shall be provided to one of the dependants of the deceased;

(b) in case of severe injury,—

(i) medical treatment free of cost; and

(ii) such financial assistance as, in the opinion of the Commissioner, is necessary for his rehabilitation, subject to the limit of a minimum amount of rupees fifty thousand and maximum amount of rupees two lakh;

(c) in case of damage to the dwelling unit, victim shall be provided with such financial assistance as is required for the repair or reconstruction of the damaged dwelling unit;

(d) in case of irreparable damage to the cultivable land, victim shall be provided with cultivable land of equal area at a reasonable distance from the place of his residence;

(e) in case of damage to the standing crops, victim shall be given compensation in proportion to the losses suffered by him; and

(f) in case of loss of livestock, victim shall be given adequate financial assistance in proportion to the losses suffered by him.

5. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Savings.

Power to
remove
difficulties.

6. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by general or special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to make
rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country is prone to various natural calamities such as tsunami, floods, droughts, storms, hailstorms, cyclones, landslides and earthquakes, which cause extensive damage to life and property. Floods are frequently occurring in the States of Assam, Bihar, Uttar Pradesh, Madhya Pradesh, West Bengal, Tripura and other parts of the country. Droughts are also very common and frequent throughout the country. Tsunami and cyclones cause havoc in the coastal areas whereas storms and hailstorms cause heavy loss of life and property in hilly areas as well as in the nearby plain areas. Now frequent earthquakes have also been causing concern among the people of various regions. The havoc caused by the tsunami in the year 2004 in southern States of the country is still in our memory. We have also not forgotten the extensive damage caused by earthquakes in the States of Uttar Pradesh, Maharashtra and Gujarat in the year 1991, 1993 and 2001, respectively. Whenever a natural calamity happens, the nation has to divest its resources towards rescue and rehabilitation processes and on repairs and construction of the roads, bridges, fields, buildings, etc. which put a heavy burden on the exchequer. Fortunately, the entire nation rises to face such calamities but the loss caused thereby can never be recovered by any means.

Of course, the occurrence of natural calamities cannot be stopped but certainly with our combined efforts we can minimise the miseries of the victims of such natural calamities by providing them with timely financial relief and extending the rehabilitation programmes to them. The Central Government has to play the main role in this process, as the State Governments are not well equipped to deal with any natural calamities and to provide relief to the victims. Sometimes, delay is caused in rushing relief to the victims due to procedural wrangles. Hence, it is felt that a suitable legislation be enacted to set up a mechanism to help the victims of natural calamities instantly. The Bill seeks to provide for rehabilitation and financial assistance to the victims of natural calamities instantly in case of occurrence of any such calamity in the country.

Hence this Bill.

NEW DELHI;
July 4, 2016.

BHOLA SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the appointment of a commissioner for providing financial assistance and rehabilitation measures to the victims of natural calamities. Clause 4 provides for financial assistance of rupees five lakhs to the next of kin of a person who dies in any natural calamity and medical treatment for injured persons and other welfare measures for the victims of natural calamities. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give an exact estimate of the actual expenditure to be involved to meet any unpredictable eventuality. However, it is estimated that recurring expenditure of rupees five thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 105 OF 2017

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

45 of 1860.

2. For section 272 of the Indian Penal Code, 1860 (hereinafter referred to as the Code), the following section shall be substituted, namely:—

Substitution of
new section for
section 272.

"272. Whoever adulterates any article of food or drink, so as to make such article unsafe for consumption, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment for a term which may extend to life, or with fine which may extend to ten lakh rupees, or with both."

Adulteration of
food or drink
intended for
sale.

3. In the Code, for section 273, the following section shall be substituted, namely:—

Substitution of
new section for
section 273.

"273. Whoever stores, sells, offer for sale, possesses for sale, causes to be sold or manufactures for sale, as food or drink, any article which has been adulterated, misbranded or substituted so as to render it unsafe or injurious to health, shall be punished with imprisonment for a term which may extend to life, or with fine which may extend to ten lakh rupees, or with both."

Sale of
adulterated,
misbranded or
substituted
food or drink.

STATEMENT OF OBJECTS AND REASONS

Food Safety and Standards Act, 2006 established Food Safety and Standards Authority of India for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import to ensure availability of safe and wholesome food for human consumption. Food Safety and Standards Act, 2006 also provides for provision for punishment to offenders involved in manufacturing, possession, procurement, selling and distribution of adulterated food. Despite these provisions, our country has been constantly witnessing the problem of adulteration of food. Adulterated food causes severe danger to health of the consumer. For example "Executive Summary on National Survey on Milk Adulteration, 2011" released by Food Safety and Standards Authority of India (FSSAI) itself, reveals that on national level, 68.4 per cent. of milk being sold is adulterated. There have been several other incidents of adulterated food causing trouble to human lives. In 2014, the Supreme Court observed that Central Government should take steps to make adulteration laws more stringent to prevent incidents of milk adulteration.

Sections 272 and 273 of the Indian Penal Code, 1860 prescribe punishment for adulteration of food or drink intended for sale and sale of noxious food or drink, respectively. However, the punishment is not stringent enough to discourage people from getting involved in such nefarious practices.

The Bill, therefore, seeks to amend the Indian Penal Code, 1860 with a view to provide for more strict punishment against the practice of food adulteration.

Hence this Bill.

NEW DELHI;
November 21, 2016.

MAHEISH GIRRI

BILL NO. 189 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2017.

Short title.

2. In article 39 of the Constitution, after clause (f), the following clauses shall be added at the end, namely:—

Amendment of article 39.

"(g) that the citizens have access to safe drinking water;

(h) that the citizens have access to the facilities of sanitation."

STATEMENT OF OBJECTS AND REASONS

Drinking water and sanitation are basic necessities for sustaining life. Right to life and other guarantees for the well-being of citizens enshrined in the Constitution are meaningless unless a person has access to safe drinking water and sanitation. In 2010, the United Nations General Assembly recognized the human rights to safe drinking water and sanitation and the Human Rights Council reaffirmed this recognition. The water and sanitation should be treated as two distinct human rights for ensuring adequate standard of living with equal status. It is, therefore, necessary that right to safe and adequate drinking water and access to facilities of sanitation is made available to all citizens by the State.

The Bill, therefore, seeks to amend the Constitution with a view to make it a duty of the State to provide adequate quantity of safe drinking water and access to facilities of sanitation to all citizens.

Hence this Bill.

New Delhi;
November 22, 2016.

MEENAKASHI LEKHI

BILL NO. 187 OF 2017

A Bill to amend the Indian Veterinary Council Act, 1984.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Veterinary Council (Amendment) Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

52 of 1984.

2. In the Indian Veterinary Council Act, 1984 (hereinafter referred to as the principal Act), in section 2,—

Amendment of
Section 2.

(i) for clause (e), the following clause shall be substituted, namely:—

'(e) "recognised veterinary qualification" means any of the veterinary qualifications granted by a veterinary institution and included in the First Schedule or the Second Schedule'; and

(ii) in clause (j), after the words "animal husbandry", the words, "and included in the First Schedule or the Second Schedule" shall be added.

Amendment of
section 15.

3. In section 15 of the Principal Act, the following Explanations shall be added at the end, namely:—

"Explanation I.— For the purpose of recognition of veterinary qualifications, the names of only those veterinary institutions, which grant degrees, diplomas or licenses in veterinary science and animal husbandry, shall be included in the First Schedule and the names of colleges affiliated to a veterinary institution shall not be included in that Schedule for the purpose of recognition under sub-section (1).

Explanation II.— For the purpose of sub-section (2), only those veterinary institutions, which grants degrees, diplomas or licenses in veterinary science and animal husbandry, shall be eligible to apply for inclusion in the First Schedule for recognition of veterinary qualification and the colleges affiliated to a veterinary institution shall not be eligible to apply for inclusion in the First Schedule."

STATEMENT OF OBJECTS AND REASONS

A combined reading of clauses (e) and (j) of section 2, section 15 and entries made in the First Schedule creates confusion and contradiction. As the said provisions are contradictory, it has resulted in inclusion of the names of various veterinary colleges affiliated to veterinary institutions in the First Schedule. However, under the power granted to the Central Government under sub-section (2) of section 15, veterinary colleges affiliated to veterinary institutions cannot be included in the First Schedule as these affiliated colleges are not "veterinary institutions" as defined under the Indian Veterinary Council Act, 1984. These affiliated colleges are not Universities or Veterinary Institutions and hence they are not authorities competent to grant degrees, diplomas or certificates under the University Grants Commission Act, 1956. Due to confusion created while reading the aforesaid provisions, the Central Government has included affiliated colleges in the First Schedule. With a view to remove the ambiguity in the Schedule, the Explanations are being proposed to be included in section 15 of the Indian Veterinary Council Act, 1984.

Hence this Bill.

NEW DELHI;
November 23, 2016.

MEENAKASHI LEKHI

BILL NO. 196 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2017.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
article 102.

2. In article 102 of the Constitution,—

(a) in clause (1),

(i) for the words "being chosen as, and for being", the words "being chosen as or for being" shall be substituted;

(ii) for the Explanation, the following Explanation shall be substituted, namely:—

"*Explanation* — For the purposes of this clause

(A) "the expression office of profit" means any office—

(i) under the control of the Government of India, or the Government of a State, as the case may be, where the salary or remuneration for such office is paid out of the public revenue of the

Government of India or the Government of any State and the holder of such office is capable of exercising legislative, judicial or quasi-judicial power; or

(ii) under a body, which is wholly or partially owned by the Government of India or the Government of any State and the salary or remuneration is paid by such body and the holder of such office is capable of exercising powers by means of disbursement of funds, allotment of lands, issuing of licenses and permits or making of public appointments or granting of such other favours of substantial nature;

(B) A person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that he is a Minister either for the Union or for such State.

(C) "office" means the permanent substantive position which exists independently of the holder of the office and being—

(i) directly under the Government; or

(ii) under statutory authorities or corporations in which Government has the power either to appoint or remove or both; or

(iii) under public sector undertakings owned wholly or partly by the Government where the Government has the power to appoint or remove; or

(iv) under local authorities or other authorities within the meaning of the Constitution; or

(v) under institutions of Self Government as defined under clause (d) of article 243 and clause (e) of article 243P of the Constitution; or

(vi) under other authorities, significantly funded by the Government where the Government has pervasive control;

(D) "remuneration" means any pecuniary gain commensurate with the status and responsibilities attached to the office and any remuneration payable but not drawn or forfeited shall also be considered as remuneration earned; and

(E) "salary" means salary or pay scale attached to the office whether or not the holder of such an office draws such salary."; and

(b) after clause (I), the following clause shall be inserted, namely:—

"(1A) Notwithstanding anything in sub-clause (a) of clause (1), if a member of either House of Parliament has become subject to any disqualification mentioned in that sub-clause, he shall not be so disqualified,—

(i) unless he has not resigned from such office which is the subject to disqualification with respect to the following:—

(a) offices that must be given up before an election— such persons (civil servant under articles 310 and 311 and members of the Judiciary), shall seek unconditional leave from their office before becoming a candidate in an election and shall be relieved from such office before being allowed to take the oath of office to the office so elected to;

(b) offices (under article 12), institutions or bodies and legislators or some other legislative body or Panchayat that must be given up after an election but before taking oath as a member of the legislature;

(ii) if the appointment has been made only in the public interest for a specific purpose with defined terms of reference and approved by the Union Cabinet and the Cabinet Committee on Appointment, if any, concurrently and—

(a) a public statement has been made that such an appointment is in the public interest with an explanation—

(i) giving the reasons for such an appointment;

(ii) full disclosure of the perks and emoluments;

(iii) the public statement must be simultaneously placed before the House concerned;

(iv) the appointment be made for the term of that Legislature; and

(v) all efforts be made for the appointment on a voluntary and *pro bono* basis and for a limited period of time only."

STATEMENT OF OBJECTS AND REASONS

The term "Office of Profit" is used with reference to executive appointments. A number of countries forbid members of the legislatures from accepting an office of profit under the executive as a means to secure the independence of the legislature and preserve the separation of powers. In all democracies including the United States of America and the United Kingdom, the holders of offices under the Government, as a rule are disqualified for being members of Legislature. The inherent idea seems to be that the personal and pecuniary interest should not come in the way of discharging their obligations by the legislators.

In India, this principle is embodied in articles 102(1)(a) and 191(1)(a) of the Constitution. The principle contained in article 102 is based on the sound public policy of ensuring impartiality and neutrality in the public duty and avoidance of conflict between duty and interest of an elected member, enabling him to carry on his duties freely and fearlessly without being subjected to any Governmental pressure thereby maintaining purity of the legislature. The provision is undoubtedly designed to protect the independence of the members of Parliament. The object of article 102(1)(a) is to disqualify a person from the membership of Parliament if he is obliged by the Government for an office of profit which carries profit or benefit and thus compromising his independence.

The expression "Office of Profit" has not been defined in the Constitution or any other statute. It has, therefore, been open to the courts to explain the significance and meaning of this concept. Most of the cases which have arisen under article 191(1)(a) of the Constitution are also relevant to article 102(1)(a) of the Constitution.

In pursuance of above articles, the Parliament (Prevention of Disqualification) Act, 1959 was enacted by Parliament. The said Act has been amended from time-to-time to include office exempted from disqualification from the purview of office of profit. In pursuance of article 191(1)(a) of the Constitution, the State Legislatures have enacted their own laws relating to removal of disqualification.

If any question arises as to whether a member of Parliament has become subject to any of the disqualification laid down in the Constitution including the one whether he is holding an Office of Profit or not, the question is referred to the Joint Parliamentary Committee on Office of Profit. The Joint Committee on Office of Profit makes its recommendation in the report which is presented to the House. The decision of the President shall be final on this question. However, before giving any decision on any such question, article 103(2) of the Constitution requires the President to consult the Election Commission and the Commission may make such enquiry as it deems fit. It is important to note that in this matter the President does not act on the advice of Council of Ministers.

Substantial questions of law have arisen with regards to the tests for an office of profit which have been laid down and used by the Joint Parliamentary Committee on Offices of Profit as follows:—

- (a) Whether Government makes the appointment?
- (b) Whether Government has a right to remove or dismiss the holder of office?
- (c) Whether the Government pays the remuneration?
- (d) What are the functions of the holder of office? and
- (e) Does the Government exercise any control over the performance of those functions?

However, this is a matter of parliamentary and legal convention and have not been provided with constitutional or legal backing.

Being an extremely important topic in the realm of the application of the principle of separation of powers, followed by the Constitution of India, though not written explicitly into it, it is important to place them and define "an office of profit" within the Constitution itself and not in any other legal statute. This is to ensure that democracy in the nation and the constitutional scheme is strengthened in itself, allowing for its greater and unambiguous progress, while freeing the courts as legal direction will be established for the same through this constitutional amendment.

The law with regards to "Offices of Profit" as per *status quo* does not allow for an elected member of Parliament to retain his position until the time of his election. He has to necessarily vacate it or face disqualification. The process of elections is variable and the ultimate will of the people is only determined after the counting of votes and not before it. Hence, it is imperative to allow the individual to have a surety of his employment by taking leave from it during the time of elections and returning to it if unsuccessful in election. The individual should, however, vacate it before being allowed to take the oath of office if so successful in an election.

Numerous times it is also felt that if the appointment has been made only in the public interest for a specific purpose with defined terms of reference and subject to certain limitations as prescribed in the amendment so proposed above, it should be allowed and not attract disqualification for being chosen as or for being a member of Parliament.

The Bill seeks to achieve the above objectives.

Hence, this Bill.

NEW DELHI;
November 23, 2016.

MEENAKASHI LEKHI

BILL NO. 191 OF 2017

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 366 of the Constitution, after clause (5), the following clause shall be inserted, namely:—

Amendment of
article 366.

'(5A) "consultation" means the action or process of formally consulting or discussing with another in a merely consultative, advisory and non-binding manner.'

STATEMENT OF OBJECTS AND REASONS

Certain terms in the Constitution are not defined leading to leeway in interpretation causing substantial questions of law. Such ambiguity in the law has contributed to the question regarding the appointment of judges to the higher judiciary in India. It is for this reason that the term "consultation" requires to be defined in the Constitution by way of amendment of article 366 that defines certain terms used in the Constitution. Such definition will not only remove ambiguity in the definition of the term, but restore the constitutional scheme in the appointment of higher judges by restoring the role of the Executive Branch in the appointment process of judges and reaffirming the primacy of Parliament in the domain of legislation in the nation that has been weakened by judicial overreach in the domain of judicial appointments.

The term "consultation" appears in a number of articles in the Constitution, mainly in article 124 and its analogous article 217 and articles 127 and 222. Herein the matters under question allow for the consultation of other parties by the President of India or the Governor of the State, as the case may be, in the discharge of his duties. The President and Governor are bound by the opinions of others as delivered explicitly by the Constitution under article 103(2) and its analogous article 192(2).

Article 103(2) and its analogous article 192(2) incorporate the wording "the President (Governor) shall obtain the opinion of the Election Commission and shall act according to such opinion". Hence indicating the intent of the framers of the Constitution to bind the President and the Governor's actions to the advice they have received on the matter detailed in the relevant articles. While exercising the powers under the article 103(2) and 192(2) the President and the Governor, respectively, are not required to act on the aid and advice of the respective Council of Ministers.

Article 124 and its analogous article 217 and articles 127, 143, 146(1) and 222 of the Constitution utilise the wording of "consultation", hence indicating that the framers of the Constitution did not have the intention to bind the President and the Governor's actions to the advice they have received on the matter detailed in the relevant articles. They sought only to ensure that the President or Governor appropriately consulted the relevant authorities or institutions in discharging their duties, therefore undertaking the action to the best of their knowledge, even allowing them to disregard the recommendations received during the consultation process. This is essential as it ensures that the highest executive functionary of the nation and State, respectively, has flexibility in the discharge of duties of office, while ensuring that he received sound non-binding guidance on matters of constitutional and national importance and ensuring that all stakeholders were represented in the consultation process. The term "consultation" mentioned in the Constitution should be given the same meaning homogeneously throughout the Constitution and different meaning cannot be assigned for different provisions of the Constitution.

The judicial pronouncements with regards to article 124 made the recommendations on the President binding, which is not in keeping with the constitutional scheme. Similar judicial pronouncements can alter the meaning of other articles of the Constitution, risking the constitutional fabric and framework of the nation. Similar arguments can be utilised with respect to article 143, making the court's recommendations to the President binding on question of law, not allowing the President to exercise his authority with the flexibility accorded to him and disturbing the constitutional scheme. Similarly under article 146(1) the recommendations of the Union Public Service Commission may be made binding upon the President for the appointment of officers and servants to the Supreme Court and analogously for the State, hence going against the constitutional scheme.

As detailed above there is a requirement for the defining the term "consultation", to ensure that the constitutional scheme is not disturbed due to ambiguity of the definition of the term. This will also ensure that the principle of separation of powers, while not enumerated in the constitution, but upon which it is based, will be maintained. This will also ensure that

the appointment process for higher judiciary in the nation is maintained and kept in sync with the constitutional scheme and constitutional text as envisioned by the framers of the Constitution. The need for the same has been elaborated upon below.

The Judges of the Supreme Court are appointed under clause (2) of article 124 of the Constitution and the Judges of the High Courts are appointed under clause (1) of article 217 of the Constitution, by the President of India. The *Ad-hoc* Judges and retired Judges of the Supreme Court are appointed under clause (1) of article 127 and article 128 of the Constitution, respectively. The appointment of Additional Judges and Acting Judges for the High Court is made under article 224 and the appointment of retired Judges for sittings of the High Courts is made under article 224A of the Constitution. The transfer of Judges from one High Court to another High Court is made by the President of India after consultation with the Chief Justice of India under clause (1) of article 222 of the Constitution.

The Supreme Court in the matter of the Supreme Court Advocates-on-Record Association vs. Union of India in the year 1993, and in its Advisory Opinion given in the year 1998 in the Third Judges' case on a reference being made to the Supreme Court by the then President of India under his constitutional powers, had interpreted clause (2) of article 124 and clause (1) of article 217 of the Constitution with respect to the meaning of "*consultation*" as "*concurrence*". Consequently, a Memorandum of Procedure for appointment of Judges to the Supreme Court and High Courts was formulated known as the "*collegium system*", and is presently being followed for such appointments. Pertinently, the said collegium system does not find mention either in the original Constitution or in any successive amendments thereto. This was in direct contravention of the Court's earlier decision in the matter. In the case of S. P. Gupta (December 30, 1981) also known as the "First Judges Case", it declared that the "primacy" of the recommendations of the Chief Justice of India to the President can be refused for cogent reasons. This had brought a paradigm shift in favour of the executive having primacy over the judiciary in judicial appointments for the next twelve years before the Supreme Court overturned this in the Second and Third Judges Case.

In a democratic set up, the legitimacy of every constitutional institution including the supreme judicial authority must be traced to the will and consent of the people, directly or indirectly. The bearers to public offices in all other institutions in the country are appointed either by an executive authority that is accountable to the people or by a mechanism involving the executive and legislature by law. No institution in a democracy is entitled under the constitutional provisions to abrogate itself any power of appointing its own successors. An unelected institution, however exalted, appointing its own peers and successors is smeared with the questions regarding democratic accountability. Since the pronouncements made by the judges have a strong and deep impact on the public at large, it is necessary that the judicial appointments are not made unilaterally by the incumbents of the said institutions. Transparency and objectivity in appointment of judges of the Supreme Court and the High Courts is also *sine qua non*, to ensure the credibility of the judiciary and the will of the people.

It is important to protect the credibility of the judiciary, an institution held in high regard by the citizens of India and the other organs of the State. This credibility must not be tarnished and a credible and respected Supreme Court alone can safeguard the Constitution and the nation and effectively reconcile justice, Constitution, law, harmony and the public good. Any supposed unconstitutional usurpation of power by any constituent of democracy will only go to adversely affect the entire democratic set up. Any apprehension or suspicion that any input by the executive and/or legislature would deconstruct the independence of judiciary and the attempts to completely exclude the executive and/or legislature from the process of appointing judges would be wholly illogical and inconsistent with the foundations of the theory of democracy and a doctrinal heresy.

For achieving the goals as set out above, for ensuring the continued credibility and independence of judiciary and for reinforcing the faith of general public in the judicial set up, the proposed Bill seeks to restore the Constitutional scheme as established by the test of the Constitution and not by judicial usurpation of Constitutional amendment, while also defining the key term of "consultation" within the Constitution, removing ambiguity while subsequently eliminating substantial question of law regarding the term.

Hence this Bill.

NEW DELHI;
November 23, 2016.

MEENAKASHI LEKHI

BILL NO. 37 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2017.

Short title.

2. In article 22 of the Constitution, after clause (1) the following clause shall be inserted, namely:—

Amendment of
article 22.

"(1A) Notwithstanding anything contained in clause (1), no police personnel shall be arrested or detained in custody on the basis of allegations against him in performing his duties in tackling militant, criminal or antisocial activities without the orders of the appointing authority."

STATEMENT OF OBJECTS AND REASONS

Due to rapid increase of our population, the criminal activities have also increased. Militant activities in our country have increased manyfold in recent times. While combating with militants with explosive materials and arms, our police personnel are bound to take immediate action to protect human lives and public property. It has been observed that due to lack of proper guidelines for carrying out encounter against criminals and militants, non-Governmental Organisations, Media and Human Right Commissions unnecessarily level controversial allegations against Police Department. This puts tremendous stress on police personnel. It also leaves adverse impact on their moral and psychology. This adversely impact on their family life also.

While protecting human lives and property, our police personnel put their precious life in danger without having any incentive, acknowledgement of credential or award. Instead, the allegations by agencies and legal challenges demoralise the police personnel. If such situation remains, Police Department would not be able to discharge their duties efficiently protect society and curb possible crimes. Therefore, there is a need that the Government should examine the incidents of tackling militant or criminal activities by the police department and its circumstantial evidence before arresting or detaining any police personnel.

The Bill, therefore, seeks to amend the Constitution with a view to ensure that no police personnel shall, without the order of the appointing authority, be arrested or detained in custody on the basis of allegations against him in performing his duties in tackling militant, criminal or anti-social activities.

Hence this Bill.

NEW DELHI;
February 1, 2017.

DARSHANA VIKRAM JARDOSH

BILL NO. 38 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2017.

Short title.

2. In article 323B of the Constitution, in clause (2),—

Amendment of
article 323B.

(a) after sub-clause (h), the following sub-clause shall be inserted, namely:—

"(ha) compensation for motor vehicle accidents;" and

(b) in sub-clause (i), for the words "sub-clauses (a) to (h)", the words "sub-clauses (a) to (ha)" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

A huge number of accident compensation claim cases are pending in various Courts and such cases are mounting every day. Currently, disposal of a motor vehicle accident compensation claim case takes a very long time thereby frustrating the interests of the victims of such accident. In most of the cases drivers lose their life and their aggrieved dependent family members face greater difficulties for survival as they do not receive compensation in time. There is a need to impose a constitutional obligation on the appropriate Legislatures to establish tribunals for adjudication of cases relating to settlement of claims of compensation arising out of motor vehicles accidents.

The Bill, therefore, seeks to amend the Constitution with a view to empower the appropriate Legislatures to provide for the adjudication by tribunals of settlement of claims of compensation arising out of motor vehicle accidents.

Hence this Bill.

NEW DELHI;
February 1, 2017.

DARSHANA VIKRAM JARDOSH

BILL NO. 32 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 51A of the Constitution, after clause (k), the following clause shall be inserted, namely:—

Amendment of
article 51A.

"(l) to maintain cleanliness and hygienic conditions at public places."

STATEMENT OF OBJECTS AND REASONS

It is observed that in most of the public places and tourist points, people are spitting, throwing garbage and using public places for natural calls making most of our public places extremely dirty and unhygienic. These unhygienic acts adversely impact on human health. The Government is using huge money to maintain cleanliness and hygienic conditions at public places. Various Foreign Governments like the British have passed laws to punish persons who are found spitting in public places.

The Bill, therefore, seeks to amend article 51A of the Constitution with a view to make it a Fundamental Duty of every citizen to maintain cleanliness and hygienic conditions at public places.

Hence this Bill.

NEW DELHI;
February 1, 2017.

DARSHANA VIKRAM JARDOSH

BILL NO. 201 OF 2017

A Bill further to amend the Andhra Pradesh Reorganisation Act, 2014.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Andhra Pradesh Reorganisation (Amendment) Act, 2017. Short title and commencement.

(2) It shall come into force at once.

6 of 2014

2. In section 46 of the Andhra Pradesh Reorganisation Act, 2014 (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:— Amendment of section 46.

"(2) Notwithstanding anything in sub-section (1), the Central Government shall make necessary grants and also ensure that adequate benefits and incentives in the form of special development package on the lines of Bundelkhand area and KBK districts in Odisha are given to the backward areas of successor State of Andhra Pradesh."

Insertion of
new Part V A.

3. In the principal Act, after Part V, the following new Part and sections thereunder shall be inserted, namely:—

"PART V A

SPECIAL DEVELOPMENT PACKAGE TO THE SUCCESSOR
STATE OF ANDHRA PRADESH

Special
Development
package to the
successor State
of Andhra
Pradesh.

46A. Notwithstanding anything contained in any other law for the time being in force, the successor State of Andhra Pradesh shall be granted special development package with effect from the 1st day of January, 2015 for a period of ten years.

Central
Government to
bear
expenditure of
externally-
aided projects.

46B. The Central Government shall bear the entire expenditure of externally-aided projects in respect of successor State of Andhra Pradesh with effect from 1st day of January, 2015 for a period of ten years.

Concessions
with regard to
taxes and
grants.

46C. Notwithstanding anything contained in any other law for the time being in force, the successor State of Andhra Pradesh shall, by virtue of being granted special Development Package, be provided, in particular, the following concessions with regard to tax revenues and grants—

(i) fixation of limit under the Fiscal Responsibility and Budget Management Act, 2003, for successor State of Andhra Pradesh at five per cent. of State Gross Domestic Product with effect from the 1st day of April, 2015 for a period of ten years;

39 of 2003.

(ii) concessions in investment allowance, accelerated depreciation, industrial incentives and other tax concessions in line with Himachal Pradesh and Jammu and Kashmir within three months from the date of coming into force of this Act; and

(iii) exemption in capital gains tax on the sale of developed land in the capital region of Amaravati."

Amendment of
section 90.

4. In section 90 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) The Central Government shall bear the entire cost of the project including expenditure on rehabilitation and resettlement and reimburse to the successor State of Andhra Pradesh, the expenditure incurred by it till 31st day of March, 2014.”.

Amendment of
Thirteenth
Schedule.

5. In the Thirteenth Schedule to the principal Act, under the heading "Infrastructure", for paragraph (8), the following paragraph shall be substituted, namely:—

"(8) Indian Railway shall, within six months from the coming into force of this Act, establish a new railway zone at Vishakhapatnam in the successor State of Andhra Pradesh."

STATEMENT OF OBJECTS AND REASONS

The Union Finance Minister announced a Special Development Package for Andhra Pradesh on 7th September, 2016, and also made a statement that 'Government of India will support Andhra Pradesh to the hilt.'

There is no doubt that Special Development Package includes full funding of Polavaram project, tax concessions, special assistance, apart from other fiscal measures to the State of Andhra Pradesh. But, the demand and the need of the hour for a level-playing field to the State of Andhra Pradesh can only be achieved if industrial incentives and other tax concessions are given at par with Himachal Pradesh and Jammu and Kashmir.

Clause 2 of the Bill talks about giving special package for development of backward districts of Andhra Pradesh. But, the assurance of the Prime Minister on the Floor of Parliament is that special package to AP would be given on the lines of Bundelkhand region and KBK districts of Odisha. This was missing in the AP Reorganisation Act. Hence, it is proposed to include this in this Bill to fulfill the assurance given by the Prime Minister.

Secondly, Andhra Pradesh is given development package due to immense loss it has suffered after bifurcation. And, financial/development packages with different nomenclatures were announced to various States and regions earlier and everybody knows the fate of such announcements. So, looking at the past experience, people of Andhra Pradesh are apprehensive that this development package may also meet the same fate. In view of this, there have been demands from various quarters and also from the Chief Minister and the Finance Minister of Andhra Pradesh for giving legislative backing to the entire Special Development Package announced on 7th September, 2016, and also to implement the package in a fixed time-frame.

In view of the above, there is a need to amend the Andhra Pradesh Reorganisation Act, 2014, to give legislative backing to the Special Development Package to legitimize the announcement made by Government of India. The Union Finance Minister also assured that he would take steps to exempt capital gains tax on the sale of developed land in the capital region of Amaravati.

Hence this Bill.

NEW DELHI;
February 1, 2017.

JAYADEV GALLA

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117(1), 274(1) AND
117(3) OF THE CONSTITUTION

[Copy of letter No. 16017/01/2017-SR dated 1 November, 2017 from Shri Hansraj Gangaram Ahir, Minister of State in the Ministry of Home Affairs to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Andhra Pradesh Reorganisation (Amendment) Bill, 2017 (*Amendment of Section 46, etc.*) by Shri Jayadev Galla, M.P., has recommended under articles 117(1), 274(1) and 117(3) of the Constitution for introduction and consideration of the Bill in Lok Sabha, respectively.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to make available necessary grants for the backward areas of the successor State of Andhra Pradesh. Clause 3 seeks to provide a Special Development Package to the successor State of Andhra Pradesh. Clause 4 provides that the Polavaram project shall be funded by the Union Government entirely. As the sums of moneys will be given to the successor State of Andhra Pradesh as Special Development Package concessions and grants by appropriation, by law, made by Parliament, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

BILL NO. 34 OF 2017

A Bill to provide for special financial assistance to the State of Rajasthan for the purpose of promoting the welfare of the Scheduled Castes, the Scheduled Tribes and the Other Backward Sections of people and for the development, exploitation and proper utilisation of its resources.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the State of Rajasthan Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Special
financial
assistance to
the State of
Rajasthan.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Rajasthan to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Castes, the Scheduled Tribes and Other Backward Sections of people or for the development, proper utilisation and exploitation of the resources in the State.

Act not in
derogation of
other law.

3. The provisions of this Act shall be in addition to and not in derogation of any other law to be made by Parliament or for the time being in force.

STATEMENT OF OBJECTS AND REASONS

The State of Rajasthan is socially and economically backward. Problems of poverty, unemployment, illiteracy as well as measures for proper utilization of resources, welfare of weaker sections in the region are required to be addressed urgently by initiating new development schemes in a time-bound manner. Being a border State, Rajasthan is strategically located and it is in the nation's interest that its development needs are addressed. It is, therefore, necessary that the Central Government should provide special financial assistance to the State of Rajasthan for its all-round development including the welfare of weaker sections and for the development and exploitation of its vast resources. Such a step of providing financial assistance to this State would go a long way in building this nation more and more strong.

Hence this Bill.

NEW DELHI;
February, 9, 2017.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Rajasthan to meet the costs of such schemes of development, as may be undertaken by the State with the approval of the Government of India.

The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Rajasthan. As the sums of moneys which will be given to the State of Rajasthan as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government with the approval of Government of India are identified, it is not possible to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

BILL NO. 35 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new article
21B.

2. After article 21A of the Constitution, the following article shall be inserted, namely:—

Right to health.

"21B. The State shall provide affordable healthcare and medicines to all citizens in such manner as the State may, by law, determine."

STATEMENT OF OBJECTS AND REASONS

Article 47 of the Constitution provides for raising of the level of nutrition and the standard of living of people and the improvement of public health as among primary duties of State. But we could not achieve this goal and millions of citizens are denied access to healthcare and medicines due to unaffordable hospitals and medical expenses. The public healthcare system is not in a position to provide universal and free healthcare to its citizens. The growing private sector in the healthcare segment has become unaffordable even for a citizen having reasonable income. It is the duty of the State to treat healthcare as occupation or profession and profiteering should not be permitted. In the light of the above, it is the duty of the State to intervene and provide universal affordable healthcare to its citizens. In order to fulfill this goal, it is felt that an explicit provision should be made in the Part III of the Constitution relating to Fundamental Rights of citizens.

The Bill, therefore, seeks to amend the Constitution with a view to guarantee right to affordable healthcare and medicines to all citizens.

Hence this Bill.

NEW DELHI;
February 9, 2017.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert new article 21B in the Constitution with a view to make right to affordable healthcare and medicines as fundamental right of the citizens. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that recurring expenditure of about rupees one thousand crores would be involved per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

BILL NO. 73 OF 2017

A Bill to provide for payment of uniform pension to armed forces personnel retiring in the same rank with the same length of service irrespective of their date of retirement and for matters connected therewith or incidental thereto

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Armed Forces (One Rank One Pension) Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Armed Forces personnel" means the retired personnel of the military or naval or air forces of the Union of India, and includes those personnel who opt for premature retirement; and

(b) "prescribed" means prescribed by rules made under this Act.

3. (1) Every Armed Forces personnel retiring in the same rank with the same length of service shall be entitled to uniform pension, as may be determined by the Central Government, from time to time, irrespective of his date of retirement.

One Rank One Pension.

(2) Any future enhancements in the rates of pension shall be automatically passed on to the past pensioners.

(3) The pension referred to in sub-section (1) shall be disbursed to armed forces personnel by the Central Government through nationalised banks in such manner as may be prescribed.

4. The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Armed Forces Personnel Pension Fund, for carrying out the purposes of this Act.

Constitution of Armed Forces Personnel Pension Fund.

5. (1) The Central Government may, by notification in the official Gazette, make rules to carry out the purpose of this Act.

Power to make Rules.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under such rule.

STATEMENT OF OBJECTS AND REASONS

The emotive issue of One Rank One Pension to retired armed forces personnel is surrounded by a vast and tumultuous history affecting the morale of the serving armed forces personnel, be they Officers or other personnel serving in other ranks. The struggle of the ex-servicemen intensified since 2012 only to get a pension enhancement, packaged as One Rank One Pension and as, notified by the Government on 7th November, 2015. This notification brought into effect a One Rank One Pension Scheme, much different from the definition as recommended by the Petitions Committee of Rajya Sabha in 2011 and as announced by the then Union Government on 17 February, 2014. The need is to make way for a meaningful implementation of One Rank One Pension Scheme and removing the anomalies existing in its present form. It is high time that the struggle of veteran soldiers come to an end so that they are able to lead a dignified life.

Hence this Bill.

NEW DELHI;
March 1, 2017.

DEEPENDER SINGH HOODA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the payment of uniform pension for the same rank and the same length of service to retired armed forces personnel. Clause 4 of the Bill provides for the constitution of Armed Forces Personnel Pension Fund by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees seven thousand crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the Rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 65 OF 2017

A Bill to amend the Academy of Scientific and Innovative Research Act, 2011.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Academy of Scientific and Innovative Research (Amendment) Act, 2017. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint.

13 of 2012.

2. In section 4 of the Academy of Scientific and Innovative Research Act, 2011, in sub-section (1), after clause (i), the following clause shall be added at the end, namely:— Amendment of section 4.

"(j) develop and integrate in its courses alternative models to animals in science and technology research, which shall include, *inter alia*, research in natural sciences, life sciences and medical sciences."

STATEMENT OF OBJECTS AND REASONS

The Academy of Scientific and Innovative Research Act, 2011 was enacted to establish an Academy for furtherance of advancement of learning and prosecution of research in the field of science and technology. The Act lays down the objectives of the Academy which include the advancement of science, dissemination of advance knowledge, innovation in teaching and teaching processes and imparting instructions in areas not ordinarily covered in regular academic institutions in India.

However, the research pertaining to alternative models to animal testing has not progressed in India, whereas leading institutions of science and technology world over are moving toward alternative models. For instance, Harvard University's Wyss Institute is developing an approach known as "organs-on-a-chip" in which human cell cultures are subjected to dynamic forces (*e.g.* lung cells "breathe") and subsequently display properties that are very similar to those seen *in vivo* in humans.

India has been a signatory to the Mutual Acceptance of Data (MAD) agreement of the Organisation for Economic Co-operation and Development (OECD) since 2011. The OECD contains a number of non-animal alternatives for uptake by any of its member countries or MAD signatory countries. However, the consideration of uptake of these alternatives have been close to nil in India. With the advent of alternatives in a larger way in the near future owing to the development of alternatives worldwide and the requirements of Indian law, *i.e.*, section 17(2)(d) of Chapter IV of the Prevention of Cruelty to Animals (PCA) Act, 1960 requires that "experiments on animals are avoided wherever it is possible to do so".

However, the lack of awareness in the developing technology for non-animal alternatives in India prevents our scientific institutions from progressing in this field. The Bill, therefore, seeks to amend the Academy of Scientific and Innovative Research Act, 2011 with a view to allow an institution of National importance such as the Academy of Scientific and Innovative Research to develop and integrate in its courses the alternative models to animals in research and development of science and technology.

Hence this Bill.

NEW DELHI;
March 7, 2017.

RAGHAV LAKHANPAL

BILL NO. 118 OF 2017

A Bill to provide for the establishment of a Water Conservation Authority for the conservation of water of the rivers, ground and rainwater through traditional means of ponds, wells, canals, trenches, etc. and by building reservoirs, bunds and check dams, reviving dried rivers, making trenches in riverbeds, building recharge shafts, deepening and widening canals and ponds, building permanent water conservation structures by means of rainwater harvesting to recharge the groundwater, encouraging people to participate in water conservation movement and plantation of trees in a big way and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the water Conservation Authority of India Act, 2017. Short title, and commencement.
(2) It shall come into force with immediate effect.
2. In this Act, unless the context otherwise, requires,— Definitions.
 - (a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;
 - (b) “Authority” means the Water Conservation Authority of India established under section 3; and
 - (c) “prescribed” means prescribed by rules made under this Act.

Establishment
of the Water
Conservation
Authority of
India.

3. (1) The Central Government, shall as soon as may be, but within one year of the commencement of this Act, by notification in the Official Gazette, establish a Water Conservation Authority of India for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and common seal with power to acquire, hold and dispose off property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The headquarters of the Authority shall be at Karauli in the State of Rajasthan and the Authority may with the prior approval of the Central Government, establish offices at such other places in the country as it may deem necessary for carrying out the purposes of this Act.

(4) The Authority shall consist of:—

(a) the Union Minister of Water Resources, who shall be the Chairperson *ex-officio*;

(b) a Deputy Chairperson to be appointed by the Central Government having the background or specialisation in water conservation and such other qualification as may be prescribed;

(c) five members of Parliament of whom three shall be from House of the People and two from the Council of States to be nominated by the Presiding Officer of the respective House, members;

(d) four members to be appointed by the Central Government to represent the Union Ministries of Agriculture and Farmers Welfare, Finance, Drinking Water and Sanitation, and Rural Development, respectively, members; and

(e) not more than four members to be appointed by the Central Government, in consultation with the Governments of the States representing Governments of the States, in the alphabetical order, and it shall be ensured that all the States get represented in the Authority, by rotation.

(5) The salaries and allowances payable to and other terms and conditions of service of the Deputy Chairperson and other members of the Authority shall be such, as may be prescribed.

(6) The Authority shall have a Secretariat with such number of officers and staff headed by a Secretary who shall be the Member Secretary of the Authority, with such terms and conditions of service, as may be prescribed, from time to time.

(7) The Authority shall observe such procedure in the transaction of its business, as may be prescribed.

Functions of
the Authority.

4. (1) The Authority shall formulate and execute a comprehensive action plan for the conservation of water of rivers, ground and rainwater throughout the country and perform such other functions relating to water conservation as may be assigned to it by the Central Government, from time to time.

(2) Without prejudice to the generality of the provisions of sub-section (1) the action plan for the conservation of water may also include,—

(a) building adequate number of reservoirs at conspicuous places in different parts of the country, particularly in desert and drought prone areas;

(b) reviving all the dried rivers and make trenches in all the river basins;

(c) constructing bunds and check dams on river beds;

(d) works relating to deepening and widening canals and ponds;

(e) building recharge shafts and construction of sufficient number of trenches at appropriate places;

- (f) building permanent water conservation structures and provision for recycling of wastewater;
- (g) desiltation of existing reservoirs, ponds, canals and such other water bodies;
- (h) recharging shafts for dried up borewells, village ponds and hollows;
- (i) reviving all the lost ponds and lakes;
- (j) encouraging people to participate in water conservation in particular school children and villagers to build water conservation structures;
- (k) advising the appropriate Government to make rain water harvesting compulsory in all Government buildings, public parks and places, households and establishments and educate the masses about rainwater harvesting;
- (l) advising the appropriate Government to diversify water guzzling crops;
- (m) giving wide publicity through radio, videos, pamphlets, booklets, hoardings, and through print and electronic media the importance of water conservation;
- (n) encouraging tree plantation as a movement; and
- (o) such other functions as may be deemed necessary for carrying out the purposes of this Act.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Authority every year for carrying out the purposes of this Act.

Central Government to provide funds.

6. The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed and the accounts shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him.

Maintenance of accounts and records.

7. The Authority shall for each financial year prepare in such form as may be prescribed, its annual report giving a full account of its activities during the previous financial year and submit a copy thereof to the Central Government.

Annual report.

8. The Central Government shall cause the annual Report and the audit report, together with a memorandum of action taken thereon, of the Authority to be laid before each House of Parliament.

Annual Report and audit report to be laid before Parliament.

9. The provision of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act to supplement other laws.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The State of Rajasthan is one of the States gripped in water crisis having 19 out of the 33 districts being famine affected. The rainfall deficit in the districts of Dholpur, Karauli, Bharatpur, Sawaimadhopur and other districts of the State of Rajasthan has worsened the situation of water crisis. Similarly, the Marathwada and Madhya Maharashtra in the State of Maharashtra, various parts of Karnataka, Bundelkhand and some other parts of the country recently faced worst crisis of water shortage and some parts had even to rush drinking water through trains from other parts of the country to quench the thirst of the people and livestock. This grim situation has taught the people the importance of water and consequences of wasting it and importance of saving it. In coming years, water shortage will be major challenge. But today most of the rainwater and water of the river goes waste in the Oceans. Groundwater resources have been used for all kinds of purposes from agriculture through tubewells in farming areas to cities where groundwater is increasingly being used as the primary water source through borewells, handpumps, well etc. In farm sector water guzzling crops such as sugarcane, paddy, etc. are being cited for receding levels of groundwater. In fact the unregulated usage of groundwater has led to massive exploitation of this precious resource.

So there is urgent need for water conservation in the country. The rainwater has to be conserved through rainwater harvesting and other means. Similar action has to be taken for the conservation of river water. For this purpose, it is felt that National Authority for the conservation of water be established to concentrate on this vital requirement of life and through conservation, problem of water scarcity and shortage can certainly be brought down if not eliminated.

Hence this Bill.

NEW DELHI;
July 4, 2017.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Water Conservation Authority of India. Clause 5 makes it obligatory for the Central Government to provide adequate funds to the Authority every year. The Bill if, enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of one lakh crore rupees may involve as recurring expenditure per annum from the Consolidated Fund of India.

A non recurring expenditure to the tune of five lakh crore rupees for creating the assets may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of normal character.

BILL NO. 129 OF 2017

A Bill to provide for the use of official language in the proceedings of High Courts and for matters connected therewith or incidental thereto.

BE it enacted by the Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the High Courts (Use of Official Languages) Act, 2017.

Short title,
extent and
commencement.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appointed day” means the date as may be notified by the appropriate Government for the purposes of this Act;

(b) “appropriate Government” means,—

(i) in relation to the High Court of a State, the Government of that State;
and

(ii) in relation to other High Courts, the Central Government;

(c) “document” means document as defined in section 3 of the Indian Evidence Act, 1872;

1 of 1872.

(d) “High Court” means any Court as defined in clause (14) of article 366, or established under article 231 of the Constitution and includes its Benches;

(e) “official language” means the official language of the Union under article 343 of the Constitution and includes the language in use for official purposes in any State in which the High Court for that State is located;

(f) “party” includes any person authorized by the party to the matter or an advocate for the party; and

(g) “proceedings” includes pleadings, petition, application, appeal, reference, revision, review, affidavit, counter affidavit, other documents filed or received during course of conduct of the matter, appearance, leading of arguments, during hearing in any matter, judgment, decree or order and such other matters as may be prescribed by the High Court.

Right of the party to prefer official language in conduct of proceedings.

3. (1) From the appointed day any party to the proceedings before a High Court shall have the right to prefer the official language in conduct of such proceedings in that High Court.

(2) The party to the proceedings shall make an application to the High Court for the conduct of the proceedings in the official language in such manner as may be laid down by that High Court under section 4.

Conduct of proceedings in High Court.

4. (1) Where any party to the proceedings has made preference for the conduct of proceedings in official language, the High Court shall conduct proceedings before it in the official language.

(2) The High Court may lay down by rules the procedure for conduct of proceedings in the official language:

Provided that such procedure shall not entail any additional expense on any party to the case for conducting such proceedings in the official language.

Measures by appropriate Government.

5. The appropriate Government shall take such measures as may be necessary to ensure availability of requisite infrastructure in the concerned High Court within its jurisdiction for conduct of proceedings in the official language in that High Court from the appointed day.

Explanation. —For the purpose of this section, requisite infrastructure includes appropriate translation and typing facility in the official language and such other facilities as may be necessary for conduct of the proceedings in the official languages.

STATEMENT OF OBJECTS AND REASONS

Article 348 of the Constitution of India envisages law by Parliament that may prescribe a language other than English for the proceedings of the High Courts. The right to fair hearing cannot be done until the litigant understands the language of the hearing. There is a legal maxim that justice should not only be done but the same should also appear to have been done.

Hence, this Bill.

NEW DELHI;
July 4, 2017.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the appropriate Government shall take such measures as may be necessary to ensure availability of requisite infrastructure to the concerned High Court within its jurisdiction for conduct of proceedings in the official language in that High Court from the appointed day. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to quantify the exact amount of recurring and non-recurring expenditure likely to be involved.

BILL NO. 78 OF 2017

A Bill to provide for the prevention and prohibition of sheer extravagance and unlimited expenditure being incurred on marriages and related ceremonies in various parts of the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title
extent and
commencement.

1. (1) This Act may be called the Prevention of Extravagance and unlimited Expenditure on Marriages Act, 2017.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'appropriate Government' means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) 'expenditure on marriage' includes expenses incurred, prior to, during and after the marriage celebrations and related ceremonies on invitation cards, hiring and decoration of pandals, banquet hall, hotel, barat ghar or such other places illumination and fireworks, the bridegroom's procession, luncheon or dinner and other refreshments offered to the guests, wedding clothes, ornaments, jewellery, garlands, any kind of gift, in cash or kind, in the form of dowry or any other local custom;

(c) 'prescribed' means prescribed by rules made under this Act;

(d) 'related ceremonies' includes any custom or ritual, preceding or succeeding a marriage, such as betrothal, engagement, ring exchange, traditional sangeet programme, mehendi, reception or any other ritualistic or traditional customs prevailing in the place.

3. Notwithstanding any tradition or custom prevailing in any religion, community, tribe or sect, the appropriate Government shall prescribe an upper ceiling for the expenditure that can be incurred in any marriage and related ceremonies of a couple, after taking into consideration the demographic details and circumstances of the place concerned:

Prohibition of extravagance on marriages and related ceremonies.

Provided that the appropriate Government may, if it considers necessary, make exceptions and relax the limit of total expenditure in individual cases, based on sound reasons and justifications for such relaxation.

4. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government may issue directions to the local authorities for achieving the objects of this Act.

Appropriate Government to issue directions.

5. Any person, who violates the provisions of this Act, or the rules framed or directions issued there under, shall be liable to imprisonment for a term which may extend up to one year or fine which may extend up to rupees one lakh or with both.

Penalty.

6. Nothing contained in this Act shall affect the validity of any marriage solemnized under the provisions of relevant and applicable Acts or personal laws nor shall this Act be deemed to directly or indirectly affect the validity of any mode of contracting marriage.

Saving.

7. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Marriages in India have become highly extravagant and lavish affairs, involving lakhs, and even crores, of rupees. Instead of preserving the sanctity of the sacred union of two individuals in life, people are using the marriages and the various ceremonies related to it as an opportunity to show off their wealth and status, with heavily decorated Shamianas, Banquet Halls, sumptuous feasts, special effects, professional dance and music groups, powerful fireworks, etc. It is an open secret that, in most of such pompous weddings, any unspecified amount of money, costly gifts, jewellery and other articles are exchanged as 'Dowry'. Even the invitation cards, which used to be very simple and meaningful, have now become a status symbol, with each party trying to outdo the just concluded marriage ceremony in the area. People have also started the practice of distributing costly gifts and sweets to the Guests attending marriages and receptions and even while giving invitation cards. Indeed, people are now thinking sky-high to add more colour and pomp to marriages, with weddings nowadays taking place in historic places, luxury yachts, ships, planes, etc. At this rate, it will not be far when people start planning to conduct a wedding in the Moon!

The betrothal or 'engagement' ceremony has now become a mini marriage itself, with hundreds of guests and lavish spending. The impact of such growing extravagance in marriages is telling upon the lower-middle and lower class people, who try to match the unabashed and pompous rich marriages, often with borrowed money or by selling their hard-earned assets, and later find themselves in severe debt trap. Such uncontrolled expenditure on marriages are, in fact, break the very fabric of our society and institutionalizes the practice of dowry and wasteful expenditure.

The real victims of these extravagant marriages are the poor people, who do not have adequate resources to marry off their daughters and leave their lives to destiny.

It is high time that the Government take proactive steps to curb the tendency of extravagant expenditure in marriages and related ceremonies, by enacting an appropriate Act, to monitor regulate and control the unlimited wasteful expenditure being incurred in the name of marriages.

Hence this Bill.

NEW DELHI;
March 14, 2017

GOPAL CHINAYYA SHETTY

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 244 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2017.

Short title.

2. In article 324 of the Constitution, in clause (5),—

Amendment of
article 324.

(a) the words “the Election Commissioners and” shall be omitted;

(b) in the first proviso for the words “the Chief Election Commissioner” at both the places, the words “Chief Election Commissioner and any other Election Commissioner” shall be substituted; and

(c) in the second proviso the words “other Election Commissioner or a” shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Article 324(5) of the Constitution intends to ensure the independence of the Election Commission of India (ECI) and free it from external or political interference and thus expressly provides that the removal of the Chief Election Commission (CEC) from office shall be on “like manner and on the like grounds as a Judge of the Supreme Court”. Nevertheless, a similar impeachment procedure is not prescribed for the other Election Commissioners under article 324(5), and they are treated on par with the Regional Commissioners.

The ECI in its 2004 Report expressly opined that the current wording of article 324(5) was “inadequate” and required an amendment to bring the removal procedures of Election Commissioners at par with the Chief Election Commission (CEC), and to provide them with the “same protection and safeguard(s)” as are available to the Chief Election Commission (CEC). The proposed amendment is on the same lines as provided in Background Paper on Electoral Reforms prepared by the Legislative Department of the Law Ministry in 2010.

Equating the removal procedures of the two Election Commissioners with that of the CEC is also in line with the legislative intent of the Parliament. In 1991, the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Act, 1991 was enacted whereby the retirement age of the CEC was fixed at sixty five years, with a salary and other perquisites equal to that of a Supreme Court Judge. Whereas the retirement age of the other Election Commissioners was fixed at sixty-two years with benefits equivalent to a High Court Judge. However, in 1993, the above Act was amended and the CEC and other Election Commissioners were placed at par in the matters of retirement age, salaries and other benefits. Section 10 of the Act provides for all three members to have an equal say in the decision making process, with any difference in opinion being resolved “according to the opinion of the majority”.

It is thus clear that the CEC is at the same position as the other Election Commissioners except that CEC enjoys the status of first amongst equals. Moreover, the Election Commissioners are clearly superior to the Regional Commissioners. Given that the removal (impeachment) procedure of the Judges of the High Court and Supreme Court is also the same, the removal procedures CEC under article 324(5) should also be extended to the other Election Commissioners.

Hence this Bill.

NEW DELHI;
November 27, 2017.

JAGDAMBIKA PAL

BILL NO. 231 OF 2017

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2017. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2 of 1974.

2. In section 125 of the Code of Criminal Procedure, 1973, in sub-section (1), in the *Explanation*, for clause (b), the following clause shall be substituted, namely:— Amendment of section 125.

“(b) “wife” includes—

(i) a woman who has been divorced by, or has obtained a divorce from her husband and has not remarried; and

(ii) a woman who has married a man during the subsistence of his first marriage and has been living with that man as his wife for a reasonable period of time.”.

STATEMENT OF OBJECTS AND REASONS

Section 125 of the Code of Criminal Procedure, 1973 provides for maintenance to the neglected wife, child and parents. The object is to prevent starvation and vagrancy by compelling the person to perform the obligation which he owes in respect of his wife, child, father or mother who are unable to support themselves.

A woman married to a man during the subsistence of his first marriage is not entitled to claim maintenance as in law a second marriage during the subsistence of the first marriage is not legal and valid. Such a woman though she is *de facto* the wife of the man, in law she is not his wife. In such a situation the second wife cannot claim the benefit of section 125 for no fault of her. The husband is absolved of his responsibility of maintaining his second wife. This is manifestly unfair and unreasonable. The man should not be allowed to take advantage of his own illegal acts. Law should not be insensitive to the suffering of such women.

The Bill, therefore, seeks to amend the Code of Criminal Procedure, 1973 with a view to enable the second wife to claim maintenance from her husband.

Hence this Bill.

NEW DELHI;
November 27, 2017.

JAGDAMBIKA PAL

BILL NO. 272 OF 2017

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

45 of 1860.

2. For section 497 of the Indian Penal Code, 1860, the following section shall be substituted, namely:—

Substitution of
new section for
section 497.

"497. Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be spouse of another person, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both."

Adultery.

STATEMENT OF OBJECTS AND REASONS

The object of section 497 of Indian Penal Code, 1860, is to preserve the sanctity of the marriage as the society abhors marital infidelity. Since the offence of adultery can be committed by a man with a married woman only, the wife of a man having sexual intercourse with other unmarried women cannot prosecute either her husband or his adulteress. This section does not penalize the sexual intercourse of a married man with an unmarried woman or a widow or even a married woman when her husband consents to it. The offence of adultery is, an offence committed against the husband of the wife and not against the wife.

It draws a distinction between consent given by a married woman without her husband's consent and a consent given by an unmarried woman. Thus, there is no doubt then that this section treats a woman like a man's chattel.

Further, it is interesting here that the section itself expressly states that the unfaithful wife cannot be punished even as an abettor to the crime. Thus in case the offence of adultery is committed, the husband cannot prosecute his unfaithful wife but can only prosecute her adulterer.

The Bill, therefore, seeks to amend the Indian Penal Code, 1860 with a view to include the unfaithful spouse and adulterer irrespective of their gender within the ambit of the offence of adultery.

Hence this Bill.

NEW DELHI;
November 27, 2017.

JAGDAMBIKA PAL

BILL NO. 88 OF 2017

A Bill to provide for compulsory supply of electricity to metropolitan areas and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Electricity (Priority Supply to Metropolitan Areas) Act, 2017. Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "competent authority" means such officer or authority who is, appointed by notification in the Official Gazette, by the Central Government as competent authority for the purposes of this Act;

(c) "metropolitan areas" means areas or regions which are or have been declared as metropolitan areas by the appropriate Government; and

(d) "prescribed" means prescribed by rules made under this Act.

Priority supply of electricity to metropolitan areas.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall ensure that eighty per cent. of the total electricity generated under its territorial jurisdiction, including the electricity generated by foreign companies, be earmarked for the metropolitan areas.

(2) The quantum of electricity to be supplied to the metropolitan areas within the territorial jurisdiction of appropriate Government shall be determined in such manner as may be prescribed:

Provided that within every metropolitan area, electricity shall be supplied—

(a) to the backward areas at least five hours every day at half the rate;

(b) to *Katras* and densely populated areas at least two hours every day at half the rate; and

(c) free of cost to the weaker sections of the society and to the people living below the poverty line at least for three hours during morning and evening every day.

Power to make rules.

4. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There is a great scarcity of electricity in metropolitans particularly in *katras* and *mohallas* of Mumbai with a high density of population. The citizens living in these places have to face a lot of problems due to scarcity of electricity. The situation becomes worse during the summer season. The people living in these *katras* and highly dense places feel suffocated due to absence of electricity as there are no open places and parks etc. around these places.

Electricity is the basic necessity of the man, without which modern life cannot be imagined. As a matter of fact, our dependency on electricity has been so much that even a cut for just one hour in the supply of electricity becomes a problem. As such, a lot of cut on the supply of electricity occurs as soon as the temperature rises which naturally puzzles the people. The worsening state of power supply during summer can be known from the fact that the power supply remains interrupted for several hours due to non-availability of adequate electricity on account of technical faults in the power grids. The life of citizens become pitiable due to shortage of power in Metropolitans.

Therefore, it is proposed to provide adequate power in the Metropolitan areas of the country.

Hence this Bill.

NEW DELHI;
March 14, 2017.

GOPAL CHINAYYA SHETTY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide electricity to the backward areas of metropolitan cities for at least five hours daily at half rate and also provide free of cost electricity to the weaker sections of the society and persons living below poverty line for at least three hours daily in the morning and evening. The expenditure relating to States shall be borne out of the Consolidated Funds of the respective States. However, the expenditure in respect of Union Territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees thirty crore will be involved annually from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 83 OF 2017

A Bill further to amend the Deposit Insurance and Credit Guarantee Corporation Act, 1961.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Deposit Insurance and Credit Guarantee Corporation (Amendment) Act, 2017.

(2) It shall come into force at once.

Amendment of
Section 2.

2. In section 2 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961, 47 of 1961. (hereinafter referred to as the principal Act)—

(i) after clause (dd), the following clause shall be inserted, namely:—

“(dda) ‘co-operative credit society’ means a society registered under the Co-operative Societies Act, 1912”.

2 of 1912.

(ii) in clause (eea), after sub-clause (v), the following sub-clause shall be added at the end, namely:—

“(vi) a co-operative credit society”;

(iii) in clause (g), for the words “banking company or a co-operative bank” at both the places they occur, the words “banking company, co-operative credit society or a co-operative bank” shall be substituted.

3. After section 11A of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
11B.

“11B. The Corporation shall register every co-operative credit society within thirty days from the date of establishment of such society.”.

Registration of
co-operative
credit society.

4. In section 14 of the principal Act, for the words “Regional Rural Bank or a co-operative bank” at both the places they occur, the words “Regional Rural Bank, co-operative credit society or a co-operative bank” shall be substituted.

Amendment of
Section 14.

STATEMENT OF OBJECTS AND REASONS

There are many investment companies operating in the country which cater to the need of different kinds of investors. While big banking companies have educated wealthy persons as their clientele, small workmen and daily wagers park their savings in small co-operative societies formed in and around their workplaces or residences, which also lend them money in times of need. There occur cases of default by these investment companies.

Though the investors of banking companies be it a rural bank, cooperative bank or a urban bank have a very unique facility of safeguarding of their savings in cases of default by the banking company, which has been guaranteed under the provisions of the Deposit Insurance and Credit Guarantee Corporation Act, 1961, such facility is not available to the depositors of the co-operative credit societies.

In the event of default of payment by the co-operative societies, small investors lose their lifetime savings. In view of the hardships faced by the small investors, it is felt that the facility of safeguarding of their savings as provided under the Deposit Insurance and Credit Guarantee Corporation Act, 1961 should be extended to cover the cooperative societies also.

Hence this Bill.

NEW DELHI;
March 30, 2017.

DARSHANA VIKRAM JARDOSH

BILL NO. 130 OF 2017

A Bill to recognise the rights of person suffering from autism spectrum disorders and making the treatment accessible and affordable and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth year of the Republic of India as follows:—

1. (1) This Act may be called Autism Spectrum Disorders (Recognition and Treatment) Act, 2017.

Short title,
extent and
commencement.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "appropriate Government" means in the case of a State and Union Territory with Legislative Assembly, the State Government and the Administration of the Union Territory, respectively, and in all other cases, the Central Government;

(b) "ANM" refers to Auxiliary Nurse Midwife health worker at village level;

(c) "ASHA" refers to Accredited Social Health Activist employed under National Rural Health Mission;

(d) "autisms spectrum disorders" refer to neuro-developmental disorders resulting from the delay in the maturation of the central nervous system that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviours;

(e) "Committee" refers to the Autism Spectrum Disorders Monitoring Committee constituted under section 4;

(f) "local authority" means the Municipal Corporation or Municipal Council or Nagar Panchayat or Zila Parishad or any Urban Local Body;

(g) "mental health care professionals" refer to clinical psychologists, counselling psychologists, psychotherapists, psychiatric social workers and nurses trained in mental healthcare;

(h) "notification" means notification as published in the Official Gazette; and

(i) "prescribed" means prescribed by rules made under this Act.

Recognising the right of affordable treatment of persons suffering with autism spectrum disorders.

3. The Central Government shall ensure availability of affordable treatment to every person suffering from autism spectrum disorders in such manner as may be prescribed.

Constitution of Autism Spectrum Disorders Monitoring Committee.

4. (1) The appropriate Governments shall, by notification in the Official Gazette, constitute a Committee to be known as the Autism Spectrum Disorders Monitoring Committee for carrying out the purposes of this Act.

(2) The Committee shall consist of District Medical Officers, District Collectors and an eminent doctor to be appointed by the appropriate Government in such manner as may be prescribed.

(3) The head of the Committee shall be the eminent doctor who shall be appointed for a period of four years, and shall be eligible for re-appointment upon the decision of the simple majority of the members of the Committee present and voting.

Monitoring and evaluation of implementation of the provisions of the Act.

5. The Committee shall assist the appropriate Government in effective implementation and evaluation of the provisions of this Act.

Annual Report.

6. The Committee shall prepare an annual report on the progress in the mental healthcare services provided under this Act and submit it to the appropriate Government to decide the criteria for evaluation of the mental healthcare service delivery.

Mental healthcare professionals.

7. The appropriate Government shall appoint adequate mental healthcare professionals in the public hospitals to maintain the doctor patient ratio of at least 1:40 for patients suffering from autism spectrum disorders.

8. The Central Government shall provide the necessary infrastructure to the State Governments for training of mental healthcare workers and nurses in mental healthcare.	Central Government to provide necessary infrastructure.
9. The appropriate Government shall, with the assistance of the Committee, provide for training of mental healthcare workers and nurses to facilitate the mental healthcare service delivery at the public health centres.	Training of mental healthcare workers and nurses.
10. The local authority shall appoint ASHA and ANM healthcare workers for providing primary care to persons suffering from autism spectrum disorders and collection of the data on neuro-developmental disorders.	Non-specialist professionals in mental healthcare delivery.
11. The local authority shall conduct skill development programmes for healthcare workers and sensitize them about the symptoms faced by persons suffering from autism spectrum disorders.	Skill Development programmes to sensitize autism spectrum disorders.
12. The appropriate Government shall provide treatment of autism spectrum disorders including counselling, therapeutic sessions and rehabilitative care including medicines free of cost at the public health centres.	Appropriate Government to provide free of cost treatment at public health centres.
13. (1) The local authority shall organise public awareness camps and free mental health checkup camps in their local areas.	Public Awareness and free mental health check up camps.
(2) While setting up the free mental health checkup camps under sub-section (1), special attention shall be given to areas where people with less income and lower levels of education reside.	
14. The appropriate Government shall sensitise the communities about autism spectrum disorders and their actions or behaviour when associating with persons with autism spectrum disorders.	Steps to deal with the social stigma.
15. The Central Government shall provide adequate funds for medical research in the field of autism spectrum disorders and other neuro-developmental disorders.	Funds for Medical research in the field of autism spectrum disorders.
16. The appropriate Government shall collect the data on autism spectrum disorders in such manner as may be prescribed.	Data on autism spectrum disorders.
17. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sums to the State Governments for carrying out the purposes of this Act.	Central Government to provide necessary funds.
18. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.	Overriding effect of the Act.
19. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with subject matter of this Act.	Act not in derogation of other laws.

Power to make
rules.

20. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature.

STATEMENT OF OBJECTS AND REASONS

Autism Spectrum Disorders (ASDs) refer to umbrella group of developmental disorders, resulting from the delay in the maturation of the central nervous system. This developmental disorder is associated with delay in the functions of central nervous system. Children inflicted by this suffer from impaired reciprocal socio-communicative interaction. They also show a tendency for repetition of restrictive repertoire of activities.

According to the report of World Health Organization (WHO) every 1 in 160 persons worldwide is afflicted from ASDs. This makes the global disease burden of the developmental disorders to be about 0.3 per cent. This high degree of prevalence is despite the fact that the data on people troubled with ASDs is not comprehensive and excludes many. Thus the actual number of the people with ASDs is much higher than that projected by WHO and requires urgent attention by the Government.

National Mental Health Survey 2015-16 supported by the Ministry of Health and Family Welfare, estimated the burden of mental and neurological disorders in India between April 2015 and 2016 for adults (above 18 years of age) at 10.6 per cent. This means that at given point, there are one hundred and fifty million Indians requiring intervention in their mental health status. It estimates that in the adolescents of aged 13-17 the prevalence of ASDs is at 1.6 per cent. The report also brings to the fore, the acute shortage of the mental health care professionals in India-clinical psychologists, counselling psychologists, psychiatric social workers, nurses trained in mental health. It also brings to our notice the divergence in the prevalence rates of mental disorders in rural and urban areas, and the higher disease burden of people with less income and low levels of education.

There is need for investing in the research and development of the surveillance and information systems to capture the data on ASDs. Better knowledge about the actual prevalence of the developmental disorders will help ascertain the causes of the ASDs. Research on the causes of ASDs is also equally crucial. With such research findings, the Government can then undertake preventive steps in reducing the disease burden.

Research on the factors causing ASDs suggests that in majority of the cases, ASDs manifest themselves in children below one year of age. The Government can mitigate the incidence of ASDs through measures such as encouraging screening of pregnant women and ensuring pregnant women get their vaccinations and maintain nutrition and hemoglobin levels. The pediatric doctors, parents and the communities must be sensitised about the symptoms of these developmental disorders, so that the children are diagnosed and treated from early age.

These interventions help the children suffering from ASDs and also assist the families and local communities in dealing sensitively with the people with developmental disorders.

At present, India does not have a comprehensive law on dealing with autism spectrum disorders. The District Mental Health Programme, though being implemented since 1996 its coverage is varied across the States. As per the National Mental Health Report 2015-16, only one-third of the surveyed States had coverage of more than fifty per cent. of the population. In order to effectively address the above issues, this Bill is contemplated.

Hence this Bill.

NEW DELHI;
June 28, 2017.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for accessible and affordable treatment for person suffering from autism spectrum disorders. Clause 4 provides for the constitution of Autism Spectrum Disorders Monitoring Committee by the appropriate Government. Clause 7 provides for the recruitment of mental health care professionals. Clause 8 provides for Central Government to provide necessary infrastructure for the training of health care workers and nurses. Clause 9 provides for training and facilitation of mental health care service delivery. Clause 10 provides for appointment of accredited Health Activist (ASHA) and Auxiliary Nurse Midwife (ANM) health care workers for providing primary care for persons suffering from autism. Clause 11 provides for skill development and sensitising programmes of health care workers. Clause 12 provides for free treatment including medicines for person suffering from autism spectrum disorders at public health care centres. Clause 13 provides for organising public awareness and free medical health check up camps. Clause 15 provides for funding by the Central Government in medical research to ascertain the causes of autism spectrum disorders and neuro-developmental disorders. Clause 16 provides for collection of data on autism spectrum disorders. Clause 17 provides for the Central Government to provide funds to the State Governments to carrying out the provisions of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 136 OF 2017

A Bill to provide for financial assistance to the widows and other dependant family members of farmers who have committed suicide in order to enable such families to earn sustainable livelihood and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Families of Farmers (Financial Assistance and Rehabilitation) Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State or a Union Territory with Legislative Assembly, the Government of that State or the Administration of that Union, respectively, and in all other cases, the Central Government;

(b) "bereaved families" means the widow and children of the deceased farmers who have committed suicide since the year 2000;

(c) "children" means the sons and daughters below the age of 18 years of the deceased farmers who have committed suicide since the year 2000;

(d) "local authority" means the Municipal Corporation or the Municipal Council or the Nagar Panchayat or the Zilla Parishad or any Urban Local Body;

(e) "notification" means a notification as published in the Official Gazette;

(f) "prescribed" means as prescribed by the rules made under this Act; and

(g) "widow" means a legally married woman of the deceased farmer who has committed suicide since the year 2000.

Loan waiver to farmers.

3. The appropriate Government shall waive off the outstanding debt of the farmers who have committed suicide since the year 2000.

Financial Assistance to State Governments.

4. (1) The Central Government shall provide financial assistance to the State Government, subject to the extent of agrarian distress in the State concerned.

(2) The Central Government shall, in consultation with the State Governments concerned, prescribe the criteria for agricultural distress in a State.

(3) The funds shall be allocated amongst the States based on the criteria for agricultural distress as prescribed under sub-section (2).

Compensation to bereaved families.

5. The appropriate Government shall provide compensation to the bereaved families in addition to waiving off the debt of the farmers as prescribed under section 3.

Skill Development programmes for widows.

6. (1) The appropriate Government shall conduct skill development programmes for widows to help them develop sustainable means of livelihood alternate to agriculture.

(2) For the purposes of sub-section (1), the appropriate Government shall conduct skill augmenting workshops either for handicrafts or for the revival of the skill endemic to the area.

Alternate means of livelihood to the widows and provision of interest free loan as initial investment.

7. (1) The appropriate Government shall provide alternate means of livelihood to the widows for setting up of small scale industries and handicrafts so as to enable them to cater to the livelihood needs of their children.

(2) The appropriate Government shall, after widows have acquired necessary skills from the skill augmentation workshops conducted by the Government under sub-section (2) of section 6, provide interest free loan to the widows as the initial investment needed for setting up of small scale industry, dairy farms or poultry farms as an alternate means of livelihood to agriculture:

Provided that in case of widows with less than two hectares of the farm land, interest free loans for the initial investment shall be provided by the appropriate Government to set up small scale industry.

Appropriate government to provide equipment and inputs to the bereaved families.

8. The appropriate Government shall provide the necessary equipments and inputs for the first sowing season to the bereaved families opting for farming as means of livelihood.

Schools for children in the drought affected areas.

9. The appropriate Government shall open schools in the drought affected areas, especially in rural India, to make the schools and education more accessible to children of those areas.

10. The appropriate Government shall provide funds to improve access to affordable and reliable public health care services to the bereaved families.

Health of the bereaved families.

11. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide the requisite funds to the State Governments, from time to time, for carrying out the purposes of this Act.

Central Government to provide necessary funds.

12. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

13. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force applicable to the widows covered under this Act.

Act not in derogation of other laws.

14. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

In the last decade, the number of farmers committing suicide has increased drastically necessitating the Nation Crime Records Bureau (NCRB) to release separate data on suicides of farmers. In 2014, the farmers' suicides in India stood at 5,650. The main reason behind the farmers' suicides is their indebtedness. As per the NCRB statistics, bankruptcy and indebtedness is the main factor contributing to about 20.6% of the total farmers' suicides. The Government policies at the present involve giving a onetime monetary compensation to the families of the farmers who commit suicide. Given the indebtedness behind the farmers' suicides, this compensation will not help the bereaved families in sustaining livelihood. Thus it is of importance that the Government provides for a comprehensive rehabilitation programme for the widows and their children.

The small and marginal farmers with less than two hectares of land area are among the most affected classes of farmers. With their small land holdings making it economically unviable for introduction of farm technologies, they face greater probability of going bankrupt. The NCRB data depict the suicide rate of small and marginal farmers to be at 72.4%.

The Central Government must provide financial assistance to the States, so that they are able to conduct rehabilitation programmes for the bereaved families. This must be in addition to the welfare policies adopted by the various State Governments towards the widows. While providing the financial assistance to the States, the State-wise variation in the agrarian distress must be taken into consideration. For instance, Maharashtra accounts for nearly 50% of the total farmers' suicides with the figure standing at 2,658 of total number of suicides by cultivators. The State Governments must also allocate the funds based on the degree of agrarian crisis. The regions of *Marathwada* and *Vidarbha* are the most affected and hence the State Government must allocate more funds in these regions.

In India, at present the governments at most provide a onetime monetary compensation to the widows. There is no comprehensive policy to ensure sustainable means of livelihood to widows.

The focus of the Governments must be on providing sustainable livelihood to the widows and their families. This can be done through skill development programmes for widows, helping them in setting up of small scale units etc. The Government can also help the families diversify their income through investments in dairy and poultry farms.

To ensure that the education of the children in these distressed areas is uninterrupted, new Government schools must be opened and the study conditions of the existing schools in the rural areas must be improved.

Hence this Bill.

NEW DELHI;
June 28, 2017.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provides for the waiver of loans of the farmers who have committed suicide since the year 2000. Clause 4 provides for the financial assistance to the States to the extent of agrarian distress in the State concerned. Clause 5 provides for financial compensation to the bereaved families. Clause 6 provides for conducting skill development programmes for widows. Clause 7 provides interest free loans for initial investment for setting up of small scale units to bereaved families with less than two hectares of farm land. Clause 8 provides for farm equipment and inputs required for the first sowing season. Clause 9 provides for the institution of schools in the drought affected areas. Clause 10 provides for the affordable and reliable public health care services to the bereaved families. Clause 11 provides for the Central Government to allocate requisite funds to the States. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 140 OF 2017

A Bill to provide health insurance and healthcare services to all citizens of the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Universal Health Coverage (Medical and Financial Assistance) Act, 2017.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "appropriate Government" means in case the State and Union Territory with Legislative Assembly, the State Government and the Government of the Union Territory respectively; in all other cases, the Central Government;

(b) "ASHA" refers to Accredited Social Health Activist employed under the National Rural Health Mission;

(c) "health care services" refers to all types of medical services including preventive, promotive, palliative, curative and rehabilitative healthcare services;

(d) "local authority" means the Municipal Corporation or Municipal Council or Nagar Panchayat or Zilla Parishad or any Urban Local Body;

(e) "Notification" means notification as published by the Official Gazette; and

(f) "prescribed" means as prescribed by the rules under this Act.

3. The Central Government shall ensure availability of affordable healthcare services for every person in such manner as may be prescribed.

Central Government to ensure availability of affordable healthcare services.

4. The appropriate Government shall provide healthcare facilities free of cost including primary, secondary or tertiary in all the public hospitals.

Appropriate Government to provide free of cost healthcare facilities in public hospitals.

5. Every citizen shall, upon paying an annual health insurance premium as decided by the Committee under section 6, be eligible to free healthcare services provided under this Act:

Annual Health Insurance premium.

Provided that in the case of persons living below poverty line, the Central Government shall pay the premium of insurance, to the insurer for providing healthcare services.

6. (1) The Central Government shall, by notification constitute a Committee to decide on the health insurance premiums to be paid by all citizens for availing the healthcare services.

Committee to decide the premium.

(2) The Committee shall consist of:—

(a) the Union Minister of Health and Family Welfare, Chairman ex-officio; and

(b) such number of eminent economists to be appointed by the Central Government in such manner as may be prescribed.

(3) The Salaries and allowances payable to and other terms and conditions of service of the members of the Committee, shall be such as may be prescribed.

(4) The premium decided under sub-section (1) shall be proportional to the annual income of every citizen.

(5) The premium prescribed by the Committee under sub-section (1) shall be valid for a period of five years.

7. The Central Government shall provide the necessary infrastructure to the States in improving the secondary and tertiary healthcare services at all public hospitals.

Central Government to provide necessary infrastructure to public hospitals.

8. The appropriate Government shall appoint adequate number of doctors in the public hospitals to maintain the doctor patient ratio to at least 1:40.

Appointment of doctors.

Appropriate Government to provide free of cost medicines.

9. The appropriate Government shall ensure that the medicines required for treatment are made available free of cost to all the patients at the public health centres.

Medical students to augment the strength at public hospitals.

10. The Central Government shall, in order to ensure availability of healthcare services, make provisions for permitting final year medical students to intern at the public hospitals.

Skill development programme to sensitize the women healthcare workers.

11. The local authority shall employ and conduct skill development training programmes for ASHA and other women healthcare workers and sensitize them about the different preventive healthcare measures including the primary healthcare.

Appropriate Government to ensure effective implementation of mid day meal and other nutritional schemes.

12. The appropriate Government shall ensure that the mid day meal and other nutritional schemes meant for children and pregnant women are effectively implemented under its jurisdiction.

Central Government to provide necessary funds.

13. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide such sums of money to the State Governments as it thinks necessary for carrying out the provisions of this Act.

Act not in derogation of other laws.

14. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

15. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

According to the World Health Organization (WHO), Universal Health coverage (UHC) refers to the provision of effective medical services to all for the betterment of their health. Access to the qualitative medical services must also be at an affordable price so as to prevent the less affluent sections of the society from experiencing significant financial hardships. The primary objective of the UHC is to deliver basic health care services to as much population as possible, while aiming for universal coverage.

In India, there is much variation in the income of the rich and the poor households. This unequal distribution of income makes it unfair to the households with low incomes by leaving them to buy medical services as per their abilities. In addition to this problem of inequality for access to affordable health care services, there also exists the problem of inefficiency. In the market for health care services, the patient has less information about his illness, its prognosis and the best course of treatment plan. The practitioners can exploit the information he has on the patient's health status. This case of asymmetric information makes the markets for health care services uncompetitive and necessitates Government intervention. This market for health care insurance also faces similar problem as the insurance providers have less information about the health status of the individuals.

Because of this lack of information about the health care services, households tends to postpone the treatment for easily curable disease until the disease progresses and inpatient expensive treatment is necessary. The treatment of preventable disease tends to get delayed when people are asked to pay for the medical services as per their abilities. Hence providing health insurance will help in lowering the incidence of preventable disease, empirical evidence from countries like Thailand suggests that with extensive availability of preventive health care, the need for inpatient treatment and expensive surgeries reduces sharply. Hence in the absence of affordable primary health care services, illnesses tend to become much harder and expensive to treat.

India can pay for the health insurance by investing in the low cost health care workers available. By focusing on the primary health care, much health gains can be achieved. It is important for the Government to focus on the health of its citizens. Health advancement improves the productivity of the labour force and is thus complementary to economic progress.

India, in its National Health Policy did envisage Universal health coverage, but it is not binding on the Government to implement its provisions.

Hence this Bill.

NEW DELHI;
June 28, 2017.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for ensuring availability of affordable healthcare services for every person. Clause 4 of the Bill provides for free of cost healthcare facilities in public hospitals. Clause 5 of the Bill provides for free healthcare services on payment of annual health insurance premium. Clause 6 of the Bill provides constitution of a Committee to decide health insurance premium. Clause 7 of the Bill provides for providing necessary infrastructure to public hospitals. Clause 8 of the Bill provides for appointment of doctors in public hospitals. Clause 9 of the Bill provides for free of cost medicines in public health centres. Clause 11 of the Bill provides for skill development programmes to sensitize women healthcare workers. Clause 13 of the Bill provides for necessary funds for State Governments. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees six thousand crore would be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 275 OF 2017

A Bill to create awareness among masses to prevent breast cancer among females, provide free screening and medical treatment for those diagnosed with breast cancer and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Breast Cancer (Awareness and Free Treatment) Act, 2017.

Short title,
extent and
commencement.

(2) It shall extend to the Union territories only.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “breast cancer” means a disease in which cells in the breast begin to grow out of control to form a lump;

(c) “events” includes seminars, workshops and awareness campaigns;

(d) “free medical treatment” includes supply of medicines, lab laboratory tests medical therapy and other medical procedure free of cost to breast cancer patients;

(e) “notification” means notification as published by the Official Gazette;

(f) “screening” means the mammography or x-ray of the breast to diagnose breast cancer; and

(g) “prescribed” means as prescribed by rules made under this Act.

Central Government to create awareness.

3. The Central Government shall take such steps, as may be necessary, for creating awareness among the masses about the symptoms and treatment of breast cancer through the means of mass media and by organizing such events as it deem fit.

Appropriate Government to provide free medical screening.

4. The appropriate Government shall provide for free medical screening in both urban and rural areas with the aid of local authorities to diagnose cases of breast cancer.

Appropriate Government to provide free medical treatment.

5. The appropriate Government shall provide free medical treatment to every breast cancer patient in Government hospitals, in such manner as may be prescribed.

Central Government to provide funds.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds, from time to time, to the State Governments for the effective implementation of the provisions of this Act.

Act to have override effect.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force relating to provision of Special Courts, or in any instrument having effect by virtue of any law other than this Act.

Act not in derogation of other law.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before the house of parliament while it is session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both houses agree in making any modifications in the rule of both the houses agree that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

Breast cancer among females has been a rapid rise in the last decade and according to Indian Council of Medical Research 1.5 lakh new cases of breast cancer were reported in the year 2016 along. Moreover, the National Cancer Registry and Indian Council of Medical Research put breast cancer as the most common cancer in women in India. Breast cancer accounts for 27 per cent. of all cancers in women in India, with the incidence rising in the early thirties and peaking at ages 50-64 years. It is castimated that in 28 women is likely develop breast cancer during her lifetime.

Due to unawareness among masses about the raid rise and severity of breast cancer, it is usually diagnosed in advanced stage, where the treatment becomes ineffective and expensive. Recent trends also show that in India younger women are also exposed to the risk of breast cancer.

The Centre and States Governments should work together to provide free diagnosis and medical treatment to women affected with breast cancer and help combat this grave disease.

Hence this Bill.

NEW DELHI;
November 28, 2017.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that Central Government shall create awareness amongst masses about the symptoms and treatment of breast cancer. Clause 4 provides for free medical screening of women to diagnose breast cancer. Clause 5 provides for free medical treatment of breast cancer patients. Clause 6 provides that the Central Government shall provide adequate funds to the State Government for the purpose of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees one hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 257 OF 2017

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Sixty-eighth year of the Republic of India as follows:—

- | | |
|---------------------------|--|
| Short title. | 1. This Act may be called the Constitution (Amendment) Act, 2017. |
| Amendment of article 32. | 2. In article 32 of the Constitution, for the words "Supreme Court" wherever they occur, the words "Supreme Court in Delhi" shall be substituted. |
| Amendment of article 124. | 3. In article 124 of the Constitution, for clause (1), the following clause shall be substituted, namely:

"(1) There shall be a Supreme Court of India consisting of a Chief Justice of India and, until Parliament by law prescribes a larger number, of not more than thirty judges in Delhi and of not more than five judges in Kolkata, Mumbai and Chennai." |

- 4.** For article 130 of the Constitution, the following articles be substituted, namely:—
- Substitution of new articles for article 130.
- "130. The Supreme Court shall sit in Delhi with Cassation Benches in Kolkata, Mumbai and Chennai or in such other place or places, as the Chief Justice of India may, with the approval of the President, from time to time, appoint.
- Seat of Supreme Court.
- 130A. (1) The Supreme Court in Delhi shall exercise jurisdiction over matters specified in articles 131, 132, 133 and 134.
- Jurisdiction of Supreme Court in Delhi and Cassation Benches in Kolkata, Mumbai and Chennai.
- (2) The Cassation Benches in Kolkata, Mumbai and Chennai shall exercise jurisdiction over matters specified in articles 133 and 134.
- (3) The Chief Justice of India shall determine the territorial jurisdiction of the Cassation Benches in Kolkata, Mumbai and Chennai.
- 6.** In article 133 of the Constitution,—
- Amendment of article 133.
- (a) in clause (1), for the words "Supreme Court" at both the places, the words "Supreme Court and Cassation Benches" shall be substituted;
- (b) in clause (2), for the words "Supreme Court", the words "Supreme Court in Delhi" shall be substituted; and
- (c) in clause 3, for the words "Supreme Court" the words "Supreme Court and Cassation Benches" shall be substituted.
- 7.** In article 134 of the Constitution, for the words "Supreme Court" wherever they occur, the words "Supreme Court and Cassation Benches" shall be substituted.
- Amendment of article 134.
- 8.** In article 134A of the Constitution, in the marginal heading, for the words, "Supreme Court" the words "Supreme Court and Cassation Benches" shall be substituted.
- Amendment of article 134A.

STATEMENT OF OBJECTS AND REASONS

The appellants are already burdened and are further shunned to face the ordeal of having to travel thousands of kilometers to the seat of the Supreme Court in Delhi for their trial and the consequent follow up of their cases. The costs borne by these appellants for access to justice also increase drastically in having to approach Delhi. This financial burden acts a deterrent for appellants to access this highest court of appeal. Their right to appeal is inherent in the judicial system of India and must not be constrained and be reduced to an illusory right.

The Indian Judicial System currently suffers from a heavy backlog at the moment, and the creation of these Benches will help reduce the backlog and will also help increase the efficacy of the Bench in Delhi. The plight of persons awaiting trial needs to be understood and addressed. It is not just the wastage of time, but also an increased financial burden that has to be borne by all parties involved.

Article 130 of the Constitution of India envisages that the Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India may with the approval of the President from time to time appoint. The language of the article clearly indicates that there was an intention of the Constituent Assembly to have more than one seat of the Supreme Court.

The Bill, therefore, seeks to amend the Constitution with a view to establish Cassation Benches of Supreme Court in Kolkata, Mumbai and Chennai.

Hence this Bill.

NEW DELHI;
November 28, 2017.

SUSHMITA DEV

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of Cassation Benches of Supreme Court in Kolkata, Mumbai and Chennai. Clause 3 provides for the appointment of not more than five judges in the Cassation Benches of Supreme Court in Kolkata, Mumbai and Chennai. The Bill, therefore, if enacted, would involve expenditure from the consolidated Fund of India in implementing the provisions of the Bill. It is likely to involve an annual recurring expenditure of about rupees one thousand crore from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees five hundred crore is likely to be involved.

BILL NO. 254 OF 2017

A Bill to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Act, 2017. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After Chapter II of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the following Chapters shall be inserted, namely:— Insertion of new Chapters IIA and IIB.

56 of 2007.

“CHAPTER IIA

RIGHTS OF SENIOR CITIZENS

“18A. The National Commission for Senior Citizens Constituted under section 18B shall endeavor to protect and enforce the following rights of the senior citizen:—

(a) Right to life with Dignity and Non-Discrimination: No senior citizen shall be denied the right to equality guaranteed by article 15 of the Constitution and be discriminated against on the ground of his age creating any social or economic disability;

(b) Right to Legal Aid: Every senior citizen shall have access to an empanelment of lawyers for the exclusive purpose of providing free legal aid to senior citizens including taking up of court cases and providing any legal opinion;

(c) Right to Individual Autonomy: Every senior citizen as per the constitutional mandate of the right to a dignified life shall have his privacy and individual autonomy protected; and

(d) Right to Healthcare: Every senior citizen as a part of their right to life guaranteed by article 21 of the Constitution shall be provided access to life saving medicines, healthcare clinic in each district, health insurance policy and institutions for ageing to promote geriatric healthcare for senior citizens with a special focus on dementia and alzheimer's disease.

CHAPTER IIB

THE NATIONAL COMMISSION FOR SENIOR CITIZENS

Constitution of the National Commission for Senior Citizens.

18B. (1) The Central Government shall, by notification in the Official Gazette, constitute a National Commission for Senior Citizens to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of—

(a) a Chairperson, committed to the cause of senior citizens, to be nominated by the Central Government;

(b) five Members to be nominated by the Central Government from amongst persons of ability, integrity and standing who have had experience in law or legislation, geriatric medicine, psychology, urban design specialists, sociology, management of an industry or organization committed to increasing the employment potential of senior citizens, senior citizens voluntary organizations, administration, economic development, health, education or social welfare:

Provided that at least two members of the Commission shall be senior citizens.

(c) a Member-Secretary to be nominated by the Central Government, who shall be—

(i) an expert in the field of management, organizational structure, sociological movement or Geriatric Medicine Specialist; or

(ii) an officer who is a member of a civil service of the Union or of an All-India service or holds a civil post under the Union with appropriate experience.

Term of office and conditions of service of Chairperson and Members.

18C. (1) The Chairperson and every member shall hold office for such period, not exceeding three years, as may be specified by the Central Government in this behalf.

(2) The Chairperson or a member (other than the Member-Secretary who is a member of a civil service of the Union or of an All-India service or holds a civil post under the Union) may, by writing and addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of the member at any time.

(3) The Central Government shall remove a person from the office of Chairperson or a member referred to in sub-section (2) if that person—

(a) becomes an undischarged insolvent;

(b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or

(f) in the opinion of the Central Government has so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and members shall be such as may be prescribed.

18D. (1) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of its functions under this Act.

Officers and other employees of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

18E. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and persons payable to the officers and other employees referred to in section 18C, shall be paid out of the grants referred to in sub-section (1) of section 18J.

Salaries and allowances to be paid out of grants.

18F. No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

Vacancies, etc., not to invalidate proceedings of the Commission.

18G. (1) The Commission may, for efficient discharge of its functions, appoint such committees as may be necessary for dealing with such special issues as may be taken up by the Commission, from time to time.

Committees of the Commission.

(2) The Commission shall have the power to co-opt as members of any committee appointed under sub-section (1) such member of persons, who are not members of the Commission, as it may think fit and the persons so co-opted shall have the right to attend the meetings of the committee and take part in its proceedings but shall not have the right to vote.

(3) The salary and allowances payable to member appointed to the Committees shall be such as may be prescribed.

18H. (1) The Commission or a committee thereof shall meet as and when necessary and shall meet at such time and place as the Chairperson may think fit.

Procedure to be regulated by the Commission.

(2) The Commission shall regulate its own procedure and the procedure of the committees thereof.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorized by the Member-Secretary in this behalf.

18I. (1) The Commission shall perform all or any of the following functions, namely:—

Functions of the Commission.

(a) investigate and examine all matters relating to the safeguards provided for senior citizens under the law except on issues of maintenance and welfare as provided under this Act;

(b) present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(c) make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of senior citizens by the Union or any State;

(d) a universal and non-contributory old age pension to be established with a minimum amount of monthly pension for senior citizens as to be prescribed by the Central Government:

Provided that no senior citizen shall be forced to compulsorily retire from work on attaining the eligibility for universal old age pension;

(e) recommend to the Central Government post retirement opportunities through which senior citizens can generate income;

(f) look into complaints and take *suo-moto* notice of matters relating to—

(i) deprivation of rights of senior citizens;

(ii) non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to senior citizens and take up the issues arising out of such matters with appropriate authorities;

(iii) income or assets having been taken away against senior citizen's will through coercive means;

(iv) abandonment of senior citizen without any visible form of support;

(v) vulnerability of senior citizen to any form of violence or sexual abuse;

(vi) cases of senior citizen living on the street or resorting to begging;

(vii) addition of senior citizen to any substance detrimental to personal health;

(g) call for special studies or investigations into specific problems or situations arising out of discrimination against senior citizens and identify the constraints so as to recommend strategies for their removal;

(h) evaluate the progress of the welfare and development of senior citizens under the Union and any State;

(i) fund litigation involving issues affecting a large body of senior citizens;

(j) make periodical reports to the parliament on any matter pertaining to senior citizens and in particular various socio-economic activities; and

(k) any other matter which may be referred to it by the Central Government.

(2) The Central Government shall cause all the reports referred to in clause (b) of subsection (1) to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(3) Where any such report or any part thereof relates to any matter with which any State Government is concerned, the Commission shall forward a copy of such report or part to such State Government who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(4) The Commission shall, while investigating any matter referred to in clause (a) or sub-clause (i) of clause (f) of sub-section (1), have all the powers of a civil court trying a suit and, in particular, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

18J. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.

Grants by the Central Government.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

18K. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission.

18L. The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual report.

18M. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of Parliament.

Annual report and audit report to be laid before Parliament.

18N. The Central Government shall, after the appropriation made by Parliament by law in this behalf, constitute a Fund from which capitals may be released to the State Governments for executing the provisions of the Act to—

Central Government to constitute fund.

- (a) fulfil the mandate of providing free and subsidised life saving medicines for senior citizens;

(b) provide financial security for widows by allocating funds for their socio-economic welfare;

(c) provide loans for purchase of houses and repair with repayment schedules with minimal interest.

Power of
Central
Government to
review.

18-O. The Central Government shall make a periodic review and monitor the progress of the implementation of the progress of the Act by the State Governments.

Chairperson,
Members and
Staff of the
Commission to
be public
servants.

18P. The Chairperson, the Members, officers and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

Central
Government to
consult
Commission.

18Q. The Central Government shall consult the Commission on all major policy matters affecting women.

Power to make
rules.

18R. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of Chapter IIB.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (5) of section 18B and of officers and other employees under sub-section (2) of section 18C;

(b) allowances for attending the meetings of the Committee by the co-opted persons under sub-section (3) of section 18F;

(c) other matters under clause (f) of sub-section (4) of section 18H;

(d) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 18J;

(e) the form in, and the time at, which the annual report shall be prepared under section 18K; and

(f) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

STATEMENT OF OBJECTS AND REASONS

The Madrid Plan of Action and the United Nations Principles for Senior Citizens adopted by the United Nations General Assembly in 2002, the Proclamation on Ageing and the global targets on ageing for the Year 2001 adopted by the General Assembly in 1992, the Shanghai Plan of Action 2002 and the Macau Outcome document 2007 adopted by United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) form the basis for the global policy guidelines to encourage governments to design and implement their own policies, from time to time to which India is a signatory.

Pursuant to the above international efforts, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enacted which provides for more effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognised under the Constitution. Despite of India's global commitments and given the increasing number of senior citizens it is estimated that India will have over 240 million senior citizens by the year 2050 who will face challenges and needs that are different from those faced by previous generations, the reasons being decline of the joint family, increased life spans and productivity, etc. The need is to raise their concerns and to help create a more inclusive society that supports and benefits from our senior citizens. It is also required to deal effectively with the plight of senior citizens and fulfil the Constitutional mandate of improving the quality of life of senior citizens without any discrimination and to protect and safeguard their right to dignity, equality and security.

The Bill, therefore, seeks to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 with a view to constitute a National Commission for Senior Citizens would help in protecting the social and economic interests of our senior citizens. It also seeks to work towards the right to equal participation, equal recognition of law while promoting the right to medical attention, right to affordable housing communities, right to social justice and protection as well as to facilitate affordable and accessible services.

Hence this Bill.

NEW DELHI;
November 27, 2017.

SUSHMITA DEV

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for the constitution of the National Commission for Senior Citizens. It further provides for appointment of Committees by the Commission and constitution a separate Fund by the Central Government to carry out the provision of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees fifty crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifteen crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill *vide* proposed section 18R empowers the Central Government to make, by notification in the Official Gazette, rules for carrying out the provisions of this Act. As the matters in respect of which rules may be made under the aforesaid provisions are matters of procedure and administrative detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 243 OF 2017

A Bill to provide for compulsory establishment of Government Women College at block level and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Compulsory Establishment of Government Women College Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "prescribed" means prescribed by rules made under this Act; and

(c) "woman" means a woman who has received education upto intermediate level.

- 3.** (1) The appropriate Government shall establish adequate number of Government colleges at block level to provide graduate and post-graduate level education to women. Establishment of Government Women's College.
- (2) The appropriate Government may, if it deems necessary, upgrade any existing college for carrying out the purposes of sub-section (1) in such manner as may be prescribed.
- 4.** The appropriate Government shall provide the following facilities to every woman enrolled in a college established or upgraded under section (3):— Facilities to be provided to students enrolled in colleges.
- (i) cost of admission and fee including all other expenditure;
 - (ii) books free of cost;
 - (iii) free hostel facility, whenever necessary; and
 - (iv) scholarship in appropriate cases.
- 5.** (1) It shall be the responsibility of the appropriate Government to provide land free of cost for establishment of Government Women College under section 3. Duty of State Government to provide land.
- (2) It shall be the duty of the appropriate Government to manage Government Women College established under section 3.
- 6.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite Funds, from time to time, for carrying out the purposes of this Act. Central Government to provide the requisite fund.
- 7.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Pivotal role of complete education of girls and boys for strengthening the social framework by providing equal opportunity has been acknowledged in our Republic from its inception. Presently, the female literacy rate is nearly sixty-five per cent. out of which the percentage of higher education is appropriately twenty-four per cent. Rural areas have witnessed a higher increase in literacy rate from the urban areas. Interest of women is increasing in higher education but the lack of adequate number of Government Women Colleges has become a roadblock in the upliftment of such women. Lack of Government women colleges despite an increasing number of educated women in the country is affecting women empowerment.

Therefore, it is proposed to establish Government Women Colleges at block level to ensure the participation of women in the development of family, society, State and country, and to make them self-reliant after completion of their higher education.

Hence this Bill.

NEW DELHI;
November 27, 2017.

AJAY MISRA 'TENI'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Government Colleges for women shall be established by the appropriate Government. Clause 4 provides for certain facilities like cost of admission, fee, books, hostel and scholarship to every woman enrolled in college. Clause 5 provides that State Governments shall provide free of cost land in each block of every district for Government Women Colleges. Clause 6 provides that the Central Government shall provide adequate funds to carry out the purposes of this Act. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees Five hundred crore will be involved.

A non-recurring expenditure of about rupees hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 119 OF 2017

A Bill to regulate the functioning of computer training centres and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Computer Training Centres (Regulation) Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.	<p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) “appropriate Government” means in case of a State, the Government of that State and in all other cases, the Central Government;</p> <p>(b) “computer centre” includes a centre in which computer courses or advance courses in computer education are conducted for imparting training to persons already knowing computer operations or where training is imparted to those who are aspiring for jobs in computer or related industries; and</p> <p>(c) “prescribed” means prescribed by rules made under this Act.</p>
Computer centres not to function without registration.	3. On and from the date of commencement of this Act, no person shall run any computer centre without prior registration with the appropriate Government.
Computer centres to apply for registration.	4. The in-charge or the head of the affairs of a computer centre, whether set up prior to or after the commencement of this Act, shall, within one month from the date of commencement of this Act, apply to the appropriate Government, in such form and manner, as may be prescribed, for registration of his computer centre.
Scrutiny of an application.	5. The appropriate Government shall, on receipt of an application under section 4 cause it to be scrutinized as to the genuineness of the computer centre and shall carry out such investigation as it may deem fit to ensure that the particulars furnished by the computer centre for registration are in order and that the centre fulfils the conditions prescribed for registration under the Act or rules made thereunder.
Issue of registration certificate.	6. On being satisfied that the computer centre fulfils the prescribed conditions, the appropriate Government shall issue a registration certificate in favour of that computer centre for such period as it may deem fit.
Syllabus and fees.	7. The appropriate Government shall prescribe syllabus and fees to be charged for each course imparted by a computer centre.
Complaint to be investigated.	8. On receipt of a complaint regarding the improper functioning of a computer centre, the appropriate Government shall cause the complaint to be investigated and a decision on it shall be taken within one month from the date of receipt of such complaint.
Cancellation of registration.	9. If, on investigation, it is found that the complaint was in order, the appropriate Government shall forthwith cancel the registration of the computer centre against which the complaint was lodged.
Punishment.	10. Any person who violates the provisions of this Act shall be punished with imprisonment for a term which shall not be less than three years and with fine which shall not be less than rupees one lakh.
Power to make rules.	<p>11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>

STATEMENT OF OBJECTS AND REASONS

A large number of computer training centres are functioning in the country without proper registration. These centres charge exorbitant fees from students. They do not have proper facilities or course content to impart quality training. There have been some instances in which the institutes, after collecting huge amount of money from students, closed down their operations without completing courses. Thus, students were left in the lurch. In order to protect the interest of the student community, there is a need to regulate the functioning of computer institutions in the country.

The Bill seeks to provide for due registration of all computer training centres and also provides for punishment to those who are running such training centres without proper registration.

Hence this Bill.

NEW DELHI;
June 29, 2017.

VISHNU DAYAL RAM

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 138 OF 2017

A Bill to provide for reservation of vacancies in posts and services in establishments for persons living below poverty line and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Persons Living Below Poverty Line (Reservation of Vacancies in Posts and Services) Act, 2017.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "establishment" means an establishment which is owned, established, controlled, managed or financed by the Government and includes—

(i) a Ministry or department or subordinate office or attached office of the Government;

(ii) a public sector undertaking or statutory authority constituted under any Central Act;

(iii) a corporation in which not less than fifty-one per cent. of the paid-up share capital is held by the Government;

(iv) a university established by a Central Act and its affiliated colleges, including medical and engineering colleges and institutions;

(v) a primary or secondary school or any other educational institution, which is wholly owned by the Government or receives grant or aid from the Government;

(vi) a Government company as defined under clause (45) of section 2 of the Companies Act, 2013; and

(vii) an autonomous body, organisation or institution receiving grant or aid from the Consolidated Fund of India;

(b) "Government" means the Central Government;

(c) "persons living below poverty line" means such persons who according to norms fixed by the Central Government from time to time are deemed to be persons living below poverty line; and

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) There shall be reserved such percentage of posts, not below ten per cent. of total posts in every establishment, for persons living below the poverty line for appointment in civil services by direct recruitment.

Reservation of posts in establishments for persons living below poverty line.

(2) The vacancies reserved for the persons living below poverty line under sub-section (1) shall be filled in such manner as may be prescribed.

(3) The vacancies reserved for persons living below poverty line during a calendar year and not filled in that year shall be carried forward to the next calendar year.

4. Every appointing authority shall maintain such documents and records, and furnish every year a report on the appointments by direct recruitment of persons living below poverty line, in such manner and at such time, as may be prescribed.

Maintenance of documents and records and furnishing of report by appointing authority.

5. The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force or any judgement, decree, order or direction of a court to the contrary regarding ceiling on reservation.

Over-riding effect of the Act.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

About twenty seven per cent. of population in India is living below poverty line. When we look into the matter of deprivation of rights of people due to poverty, the picture that emerges is not satisfactory. Poverty compels men and women to lead a miserable financial and social life due to which they have to face hunger and illness. Their income is meagre and they have to struggle for their existence. It is now an established fact that people belonging to reserved categories have made progress on the basis of caste based reservation. Therefore, it is rational to provide reservation in posts and services to persons who are living below poverty line as a method to enable them to have a better standard of living.

We have to understand that in the case of appointments, reservation is not discrimination or a negative approach, rather it is beneficial, positive and necessary step for social and economic upliftment of neglected people facing starvation for a long time. In the present caste-based reservation system, the beneficiaries belong to middle or upper class families within that community. The extremely poor persons in the society have rarely benefited from it. Till date, a very small proportion of people living below poverty line have received the benefit of reservation.

To overcome the problems being faced by the persons living below poverty line, it is necessary that special provision is made for providing reservation in posts and services to such persons.

Hence this Bill.

NEW DELHI;
June 29, 2017.

VISHNU DAYAL RAM

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to the matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 143 OF 2017

A Bill to provide for effective regulation of the level of arsenic in ground water and identification of the risk areas of arsenic contamination, formulation of a national policy for mitigating and preventing arsenic contamination in food and drinking water in the country for the overall welfare, care and protection of the citizens and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (i) This Act may be called the Arsenic Contamination (Prevention) Act, 2017.

Short title,
extent and
commencement.

(ii) It extends to the whole of India.

(iii) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "arsenic" means the natural chemical element which has eroded from the Himalayas and deposited near the foothills of Himalayas in Indo-gangetic plain.

(b) "Authority" means the national Arsenic Contamination Prevention Authority established under section 4;

(c) "ground water" means naturally occurring water found below the surface in the saturated zone which can be extracted by digging wells and bores; and

(d) "prescribed" means prescribed by rules made under this Act;

National policy for prevention of arsenic contamination.

3. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, as soon as may be, after the commencement of the Act and in consultation with the Government of the States, formulate a National Policy for mitigating and preventing arsenic contamination in food and ground water in the country for the overall welfare, care and protection of the citizens.

Establishment of National Arsenic Contamination Prevention Authority.

4. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an Authority to be called the National Arsenic Contamination Prevention Authority for carrying out the purposes of this Act.

(2) The head office of the Authority shall be at New Delhi and the Authority may establish offices at other places in the States and Union Territories as it may deem necessary for carrying out the purposes of this Act.

(3) The Authority shall consist of the following members who shall be appointed by the Central Government in such manner as may be prescribed, namely:—

(a) a Chairperson, who shall be an expert scientist having adequate knowledge and professional experience in the prevention of arsenic pollution;

(b) one Deputy Chairperson with such qualifications as may be prescribed;

(c) five Members of Parliament of whom two shall be from Council of the States and three from House of the people to be nominated by the respective Presiding Officers of the two Houses;

(d) five members, one each to represent the Union Ministries of Drinking Water and Sanitation, Environment, Forest and Climate Change, Health and Family Welfare, Agriculture and Farmers welfare and Panchayati Raj, respectively;

(e) four members to represent the non-Governmental Organisations working for prevention of arsenic pollution in food and ground water;

(f) four members to be nominated by the Governments of the States to be rotated amongst the States in alphabetical order.

(4) The Authority shall be a body corporate by the name aforesaid having perpetual succession and common seal with power to acquire, hold and dispose of property both movable and immovable and to contract and shall by the said name sue and be sued.

(5) The Salary and allowances payable to Chairperson, Deputy Chairperson and Members, terms of office of the Chairperson, Deputy Chairperson and members of the Authority and the procedure to be followed in the discharge of the functions of the Authority shall be such, as may be prescribed.

(6) The Authority shall have a secretariat with such number of officers and staff as may be prescribed.

(7) The salary and allowances payable to, and other terms and conditions of the officers and staff of the authority as may be prescribed.

Functions of the Authority.

5. (1) Subject to any guidelines issued by the Central Government under the provisions of this Act, the Authority shall perform and undertake such special steps in close coordination with concerned Ministries, Departments of the Central and State Government to eliminate arsenic contamination and to afford the arsenic free drinking water and food to everyone throughout the country as it may deem necessary and expedient under the Act.

(2) Without prejudice to be generality of the foregoing provisions, the Authority shall—

(a) conduct survey at risk areas to determine the location, scale and causes of arsenic contamination;

(b) conduct survey of irrigation wells to assess the risk of overuse and exploitation of ground water on agriculture and human health;

(c) develop awareness at all levels of society about the potential danger of arsenic in food and water;

(d) assess the availability of low arsenic water resources for human consumption;

(e) strengthen the capacity of agricultural research institutions to develop and test crops, alternative cropping system, water management processes and soil rehabilitation methods;

(f) help farmers to adapt by maximizing rain fed production where alternative water source for irrigation are insufficient;

(g) prioritise water supply and treatment intervention in worst affected areas;

(h) establish local and affordable capability to test water supplies where arsenic surveys have been completed;

(i) coordinate and monitor time bound arsenic mitigation plants to eliminate arsenic exposure;

(j) identify alternative soft water sources and assess their sustainability;

(k) investigate the impact of arsenic on irrigated agriculture;

(l) assess the effect of contaminated water to arsenic exposure specially on human health;

(m) assess the likely impact of climate change on the increased demand for and reduced availability of ground water;

(n) assess the health effects of excess exposure to arsenic and provide preventive medical assistance; and

(o) such other activities as may be assigned to it, from time to time.

6. The Central Government shall, after due appropriation, made by Parliament by law in this behalf, pay to the Authority in each financial year such sums as may be considered necessary and adequate for the performance of the functions of the Authority under this Act.

Central Government to provide funds.

7. The Authority shall prepare once in every year, in such form and at such time as may be prescribed, an annual report giving summary of its activities during the previous year and submit it to the Central Government, which show cause the same to be laid before both the Houses of Parliament.

Annual report.

8. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of the period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall as soon as may be after it is made, be laid before both the Houses of Parliament.

Act to
supplement
other laws.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the subject matter of this Act.

Power to make
rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Ground water is the major source of water supply in India. With India facing erratic monsoon, ground water is perennial source of water supply for the country. It meets eighty-five per cent of the water demand of the people in rural areas and fifty per cent of the demand for water in urban areas. Naturally occurring arsenic in ground water used for drinking, cooking and irrigation is a catastrophe with enormous public health implications. Nearly one thirty million people across the world have been exposed to excess level of arsenic in their drinking water over and above the World Health Organisation (WHO) recommended limit of ten parts per billion. As per the annual report statistics of the Ministry of Water Resources, eighty-nine per cent of the ground water extracted in India is used for irrigation and nine per cent of it is used for domestic purposes. Amongst all the States in the country, Uttar Pradesh, Bihar and Bengal have largest share of replenishable ground water of 77.19 billion cubic metre. The arsenic contamination has affected the people of the Uttar Pradesh where arsenic contaminated ground water is used for irrigation, thereby arsenic accumulates in soil and is taken up by crops. Ingestion of arsenic has wide ranging health hazards. It has been estimated that, if unchecked, exposure to arsenic will result in doubling of mortality from cancer.

It is high time for the Union Government to intervene in the matter and provide assistance to the States for digging arsenic free drinking water wells to the arsenic affected habitation in the country particularly Uttar Pradesh, Bihar and Bengal. As of now, there is no effective law to regulate the level of arsenic in ground water and identification of risk areas for mitigating and preventing arsenic pollution in food and ground water. The Bill aims to achieve the above objectives.

Hence, this Bill.

NEW DELHI;
June 28, 2017.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of the National Arsenic Contamination Prevention Authority. Clause 6 of the Bill makes it obligatory for the Central Government to provide necessary funds to the Authority for the purpose of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees twenty five thousand crore may involve as recurring expenditure per annum from the Consolidated Fund of India. A non-recurring expenditure to the tune of rupees six thousand crore is also likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative powers is of a normal character.

BILL NO. 131 OF 2017

A Bill to provide for recognition and regulation of voluntary organisations and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Voluntary Organisations (Regulation) Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Fund" means the Voluntary Organisations Assistance Fund established under section 10;

(c) "National Board" means the National Board of Voluntary Organisations established under section 3;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "Voluntary Organisation" means any organisation or institution or society, whether incorporated or registered or not, which is engaged in any of the following activities, namely:—

(i) promoting literacy and adult education;

(ii) involved in relief operations during natural calamities like floods, earthquakes, storms, squalls and likewise;

(iii) involved in relief operations and providing assistance to victims in cases of accidents;

(iv) involved in relief operations and providing assistance to victims during strikes and other forms of disturbances;

(v) organizing free medical camps, distributing free medicines, promoting in any way health awareness among general public or running free and charitable dispensaries;

(vi) providing assistance to orphaned children and running children homes for orphans;

(vii) running schools for orphaned and destitute children and providing them with all necessary facilities;

(viii) running homes for destitute women and providing all facilities and training in self-employment;

(ix) running homes for aged and old persons, wherein all necessary facilities and support are provided;

(x) creating awareness among general public regarding pollution hazards and teaching methods of pollution control;

(xi) creating awareness among general public regarding dangerous diseases like AIDS and other contagious diseases;

(xii) creating awareness among general public about family planning;

(xiii) creating awareness among general public about ill effects of social evils like dowry, domestic discords and negligence of dependant persons;

(xiv) creating awareness among general public about the need for religious, caste and linguistic harmony and educating public about measures to be adopted to achieve harmony;

(xv) spreading and taking all necessary steps to enable people to lead a peaceful and healthy life and for improving general standard of life,

without any profit or commercial intention or motive.

Establishment
of a National
Board of
Voluntary
Organisations.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a National Board to be known as the National Board of Voluntary Organisations for carrying out the purposes of this Act.

(2) The headquarters of the National Board shall be at New Delhi.

(3) The National Board shall consist of—

(i) a Chairperson who shall have experience in social services for a period of not less than ten years, to be appointed by the Central Government;

(ii) four other members who shall have experience in social services for a period of not less than five years, to be nominated by Central Government in such manner as may be prescribed.

(4) The Chairperson and other members of the Board shall hold office for a term of five years.

(5) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and members of the Board, shall be such as may be prescribed.

Regional Board
of Voluntary
Organisations.

4. (1) The Central Government shall establish a Regional Board of Voluntary Organisations in the capital of every State/Union territory.

(2) The Regional Board shall consist of—

(i) a Chairperson who shall have experience in social services for a period of not less than ten years, to be appointed by the Central Government;

(ii) two other members who shall have experience in social services for a period of not less than five years, to be nominated by the Central Government on the basis of recommendation of the State Government concerned;

(3) The Chairperson and other members of the Regional Board shall hold office for a term of five years.

(4) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and members of the Regional Board, shall be such as may be prescribed.

Employees of
National Board
and Regional
Board.

5. (1) The Central Government shall make available to the National Board and the Regional Boards such number of officers and employees as may be necessary for the efficient performance of their functions.

(2) The salaries and allowances payable to, and other terms and conditions of service of the officers and employees of the National Board and the Regional Boards shall be such as may be prescribed.

Application for
registration.

6. Every voluntary organisation shall, within a period of three months from the date of commencement of this Act, shall apply to the Regional Board for registration with such particulars as may be prescribed.

Registration.

7. Every Regional Board shall, within one month from the date of receipt of an application from a voluntary organisation, declare whether the application for registration has been accepted or rejected and in case the application has been rejected, the reasons therefor.

Appeal.

8. Any voluntary organisation, whose application for registration has been rejected may appeal to the National Board in such manner as may be prescribed.

Decision of
National
Board.

9. The National Board shall, after hearing the views of the Regional Board and the voluntary organisation concerned, take a decision, which shall be binding on both the parties:

Provided that the National Board may before taking a decision, consult experts in the relevant fields.

- 10.** (1) The Central Government shall, by notification in the Official Gazette, constitute a Voluntary Organisations Welfare Fund for carrying out the purposes of this Act. Constitution of a Voluntary Organisations Welfare Fund.
- (2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.
- 11.** (1) The Central Government shall administer the Fund in such manner as may be prescribed. Administration of Fund.
- (2) The Central Government shall, after due appropriation made by Parliament by law in this behalf make a grant to each Voluntary organisation every year or at such intervals as it may deem necessary.
- (3) While making a grant under sub-section (2), the Central Government shall consult the National Board and the Member of Parliament representing the constituency in which the head office of the organisation is situated:
- Provided that the National Board may consult the Regional Board concerned in whose jurisdiction the head office of the voluntary organisation is situated before recommending to the Central Government for release of grant.
- 12.** Every Voluntary Organisation, which is in receipt of grant from the Central Government, shall send an annual report to the Regional Board about its activities during the year and a statement of receipts and expenditure of the organisation. Annual Report of Voluntary Organisation.
- 13.** Every Regional Board shall send the annual reports received from the voluntary organisations under its jurisdiction to the National Board alongwith its comments on the performance of the voluntary organisations. Regional Boards to send annual reports to National Board.
- 14.** The Central Government may, after due consultation with the National Board, reduce the amount of grant or withhold the total amount of grant payable to a voluntary organisation for such period as it may determine. Withholding of grants to Voluntary Organisation.
- 15.** If, after an enquiry, it is found that any voluntary organisation does not utilise the money for the purpose for which it was granted or involves itself in any activities other than for which it was formed, the Regional Board may recommend to the National Board for taking such action against the voluntary organisation as it may deem fit. Regional Board to recommend action against Voluntary Organisation.
- 16.** The National Board on receipt of a report from a Regional Board, shall take such action against the Voluntary Organisation, as it may deem fit. National Board to take action.
- 17.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Voluntary Organisations play a significant role in the development of a nation. They supplement the activities of the Government in times of crisis. In times of natural calamities, voluntary organisations come to the rescue of affected persons even before the Government agencies. They are doing a yeoman service to the society. These Voluntary Organisations are engaging themselves in wide range of activities *i.e.* in providing education, health care, running homes for orphaned children, old age homes, providing free food and medicines to the needy people, etc. However, many of the Voluntary Organisations are lacking adequate funds to undertake their activities. They mainly depend upon funds received through contributions and donations which are not enough to meet their expenditure. Moreover, there is no mechanism at present, for registration and regulation of the affairs of voluntary organisations. They do not have any statutory recognition.

At present, Government provides grants to many Voluntary Organisations. But there is no check on utilisation of money granted to them and their activities. As such, these organisations utilise the money for the purposes other than for which it was granted. On the other hand genuine Voluntary Organisations are deprived of any assistance from the Government.

There is an urgent need to provide for registration and regulation of Voluntary Organisations for their better involvement in welfare activities.

The Bill seeks to achieve the above objectives.

NEW DELHI;
June 29, 2017.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a National Board of Voluntary Organisations. Clause 4 provides for the setting up of Regional Boards in the capital of every State and Union territory. Clause 5 makes provision for appointment of officers and staff of the Boards. Clause 10 provides for the constitution of a Voluntary Organisations Welfare Fund to which both Central and State Governments will contribute. Clause 11 provides for making grants to voluntary organisations every year. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees one thousand crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 128 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2017.

(2) It extends to the whole of India.

Short title,
extent and
commencement.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 83 of the Constitution, in clause (2), after the existing proviso, the following proviso shall be inserted, namely:—

Amendment of
article 83.

“Provided further that where the House of the People is dissolved earlier than the said period of five years, the duration of the House constituted immediately after such dissolution may, on a report made by the Election Commission to this effect, be extended or curtailed by a period up to two years in order to synchronise the holding of elections to the House of the People and the State Legislative Assemblies.”

Amendment of
article 172.

3. In article 172 of the Constitution,—

(i) in clause (1), after the existing proviso, the following proviso shall be inserted, namely:—

“Provided further that where the Legislative Assembly is dissolved earlier than the said period of five years, the duration of the Legislative Assembly constituted immediately after such dissolution may, on a report made by the Election Commission to this effect, be extended or curtailed by a period up to two years in order to synchronise the holding of elections to the Legislative Assembly with the elections to the House of the People.”; and

(ii) after clause 2, the following clause shall be inserted, namely:—

“(3) The Central Government shall, in consultation with the Election Commission, within six months from the date of commencement of the Constitution (Amendment) Act, 2017 by notification in Official Gazette, specify the State Legislative Assemblies, the duration whereof may be extended or curtailed in order to synchronise the elections to such Legislative Assemblies with the next elections to the House of the People.”.

Insertion of
new article
326A.

4. After article 326 of the Constitution, the following article shall be inserted, namely:—

“326A. The elections to the House of the People and to the Legislative Assembly of every State shall be held simultaneously.”.

Simultaneous
holding of
elections to
House of the
People and
Legislative
Assemblies of
the States.

STATEMENT OF OBJECTS AND REASONS

India is the world's largest democracy. As many as eighty-one crore people are registered as eligible voters with the Election Commission of India, which has been entrusted with the Powers to hold elections to both the House of the People and the State Legislative Assemblies. Though the House of the People and the State Assemblies have a fixed tenure of five years, the expiration of their term does not synchronise. As a result, the House of the People and different State Assemblies go to polls at different times. As a result, we often find elections being held in the country in one part or the other.

Of late, the idea of frequent elections is being challenged on various grounds. The first among these is that the conduct of elections is an enormous exercise administratively. The entire administrative machinery and the security apparatus have to be mobilised to ensure smooth and fair conduct of elections. If the elections to the House of the People and the State Assemblies are held together, a redundant duplication of election exercise can be avoided.

Secondly, the conduct of elections at such scale involved huge expenditure, both by the Government and political parties. As per estimates of the Election Commission, the Government expenditure for holding the House of the People elections in 2009 was Rs. 1115 crore, which increased to Rs. 3870 crore in 2014. Unofficial estimates peg the Government expenditure incurred in holding elections to the Bihar Legislative Assembly in 2015 at Rs. 300 crore. Precious tax-payers' money can be saved and utilised for developmental activities if, State Assembly elections are held together with the House of the People elections.

Thirdly, it is not only the Government, but political parties also incur huge expenditure on elections. There are unscrupulous elements among political parties who freely use dubious money in elections. It is among the top agenda of the present Government that the role of such dubious money in elections is minimised, if not eliminated. Towards this end, the simultaneous elections to the House of the People and the State Legislative Assemblies will serve a long way since there will be lesser opportunities for use of dubious money.

Fourthly, the process of Government is severely affected due to imposition of Model Code of Conduct. To quote from the Seventy-ninth Report (2015) of the Standing Committee on Personnel, Public Grievances, Law and Justice:—

"....The imposition of Model Code of Conduct (MCC) puts on hold the entire development programme and activities of the Union and State Governments in poll bound State. It even affects the normal governance. Frequent elections lead to imposition of MCC over prolonged periods of time. This often leads to policy paralysis and governance deficit."

Besides, there are issues such as disruption of normal public life, resort to populist measures by ruling parties, etc. which weight heavily in favour of conducting simultaneous elections to the House of the People and the State Legislative Assemblies.

There are, however certain challenges to holding simultaneous elections. There are questions over operational feasibility of such a huge exercise. Above all, the synchronisation of tenure of the House of the People and the State Legislative Assemblies, to begin with and also when any popular House is dissolved prematurely, is a major political challenge.

With the above objectives in view, the Bill seeks to amend the Constitution with a view to:—

- (i) insert a new article 326A in the Constitution to provide for simultaneous elections to the House of the People and the State Assemblies;

(ii) to amend article 83 of the Constitution to provide that in case the House of the People is dissolved before completing its full terms, the duration of the next the House of the People may be extended or curtailed by up to two years to synchronise the elections to the House of the People with the elections to the State Assemblies;

(iii) amend article 172 of the Constitution to provide that in case a State Legislative Assembly is dissolved before completing its full term, the duration of the next Assembly may be extended or curtailed by up to two years to synchronise the elections to the Assembly with the elections to the House of the People; and

(iv) make a transitional provision that on commencement of the Bill, the Central Government shall, in order to coincide the elections of State Assemblies with the elections to the House of the People, take a decision, in consultation with the Election Commission, regarding extending or curtailing the duration of State Legislative Assemblies.

The Bill seeks to achieve the above objectives.

NEW DELHI;
June 29, 2017.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 4 of the Bill *vide* proposed article 326A provides for simultaneous holding of elections to the House of the People and Legislative Assemblies of the States by the Election Commission of India. The Bill, if enacted, will involve expenditure, recurring and non-recurring, from the Consolidated Fund of India. However, it is not possible to assess the actual financial expenditure likely to be incurred at this stage.

BILL NO. 124 OF 2017

A Bill to provide for the eradication of unemployment amongst the youth by granting right to work to every eligible youth and for payment of unemployment allowance during the period of unemployment and for making all the sanctioned posts in Government employment non-lapsable and free from abolition and establishment of right to work fund for funding unemployment allowance and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Youth (Eradication of Unemployment and Miscellaneous Provisions) Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in all other cases, the Central Government;

(b) "employment exchange" means an employment exchange set up by the appropriate Government;

(c) "Fund" means the Right to Work Fund establishment under section 6;

(d) "Government employment" includes all the services in the Ministries, Departments, subordinate offices, bodies, public enterprises, constitutional bodies, educational institutions including universities, colleges, schools etc., health services providers, Banks and financial institutions and all such organisations which are under the appropriate Government with sanctioned strength of officers and staff;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "youth" include any human being a male, female or transgender who has attained the age of eighteen years but not crossed the age of forty five years and who is a citizen of India.

Eradication of unemployment through right to work.

3. Every unemployed youth shall have the right to work to be provided by the appropriate Government as a measure of eradication of unemployment subject to the age, educational qualification and ability of the youth as may be prescribed:

Provided that the youth seeking employment under this section shall register his name in an Employment Exchange under the appropriate Government.

Grant of unemployment allowance.

4. Till such time an employment is provided to the unemployed youth under section 3, the appropriate Government shall pay to the youth unemployment allowance not being less than one thousand rupees per week in such manner as may be prescribed:

Provided that the unemployment allowance under this section shall be stopped with immediate effect if, the youth secures any work or job either through the Employment Exchange or of his own or otherwise and his name shall also be removed from the register of the Employment Exchange.

Act not to apply in certain cases.

5. The provisions of this Act shall not apply to any youth,—

(a) who has income, from one or more sources, not less than the amount of unemployment allowances fixed under section 4;

(b) who is covered under any scheme of unemployment allowance prevalent in a State or Union Territory, as the case may be.

Establishment of Right to Work Fund.

6. (1) The Central Government shall, as soon as may be, by notification in the official Gazette, establish a Right to Work Fund with initial corpus of one lakh crore rupees to be provided by the Central Government after due appropriation made by Parliament by law in this behalf for the purposes of this Act and thereafter make such grants to the fund, from time to time as may be required for the purposes of this Act.

(2) The Fund shall also be credited with,—

(a) all grants made by the Central Government and Contributions made by Governments of the States and administrations of the Union Territories; and

(b) all voluntary donations made to the fund by individuals, bodies, corporates and financial institutions etc.

(3) The Fund shall be administered for the purposes of this Act in such manner as may be prescribed.

Miscellaneous provisions.

7. Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to fill up all the sanctioned posts of Government employment within one month of the vacancies arising and no sanctioned post of Government employment shall be subject to abolition and lapsing as a matter of policy or for any reason whatsoever of the appropriate Government.

- 8.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, from time to time, provide requisite funds to the States for the purposes of this Act. Central Government to provide funds.
- 9.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Act to have overriding effect.
- 10.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act. Act to supplement other laws.
- 11.** (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Unemployment amongst the youth is the biggest problem of our vast nation today and it is assuming menacing proportions with each passing day. Millions of educated and qualified youth are unemployed. Recently media highlighted that a State Government invited applications for few posts of Peons. In response it received nearly five lakh applications and among the aspirants were Engineers, Technocrats and Ph.D degree holders. Though the concerned State Government ultimately cancelled the process, but this shows the gravity of situation so far as the unemployment in the country is concerned. Quite a large number of unemployed youth have become desperate due to poverty. This situation is being exploited by anti-social and anti-national elements by luring the youth into their net and the youth is choosing the path of violence and crime. Lack of employment opportunities in the country is also leading to brain drain and exodus of large number of skilled and unskilled youth abroad.

Agriculture sector and Government provide majority of jobs but agriculture sector is under stress due to vagary of nature and consistent drought conditions. In Government the number of vacancies are shrinking year after year. In Central Government there are peculiar rules. For instance if a post is not filled for a year it automatically lapses. Similarly, ten per cent of the total vacancies arising in Government employment every year stand lapsed. Then there are Voluntary Retirement Schemes. So the sanctioned strength is decreasing year after year. This trend needs to be checked by making it mandatory to fill up all the sanctioned posts.

It is high time to make concerted efforts for the eradication of unemployment amongst the youth by declaring right to work as fundamental and making it mandatory for the Government to provide employment to all the youth. In case the Government fails to provide employment, it must pay the youth unemployment allowance because Constitution of India guarantees to every citizen the fundamental right to life. The apex court too has observed that for the right to life, decent livelihood is necessary and if a person is unemployed, he and his family can not enjoy a decent life. The Bill gives every youth the legal right to work and grants unemployment allowance. The Bill also provides for the establishment of a Right to Work Fund by the Government for the purposes of the Bill.

Hence this Bill.

NEW DELHI;
June 29, 2017

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the eradication of unemployment through right to work. Clause 4 provides for the grant of unemployment allowance. Clause 6 provides for the establishment of Right to Work Fund with initial corpus of one lakh crore rupees to be provided by the Central Government. Clause 8 makes it mandatory for the Central Government to provide requisite funds to the States for the implementation of the provisions of the Bill. The Bill if, enacted will involve expenditure from the Consolidated Fund of India. Apart from the initial corpus of one lakh crore rupees, it is estimated that a sum of two lakh crore rupees may involve as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 135 OF 2017

A Bill to amend the Prevention of Damage to Public Property Act, 1984

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Damage to Public Property Act, 2017.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

3 of 1984.

2. In section 2 of the Prevention of Damage to Public Property Act, 1984, in clause (b), after sub-clause (vi), the following sub-clause shall be added, namely:—

Amendment of
section 2.

"(vii) any religious or educational institution, firm or individual the premises of which are visited by the public in the normal course of events or in connection with day to day transactions.

Explanation.— For the purposes of this sub-clause,—

(a) immovable property shall include —

(i) petrol pump stations, schools, colleges, Universities, libraries, temples, churches, mosques, synagogues, gurudwaras, meditation halls;

(ii) hotels, restaurants, tea shops and buildings under Shops and Commercial Establishments Act of the State Government concerned;

(iii) statues of late political or religious leaders;

(iv) mobile towers;

(v) computer centres, internet cafes; and

(vi) medical clinics;

(b) movable property shall include—

(i) taxies, auto rickshaws and other means of public transport; and

(ii) dish antennae."

STATEMENT OF OBJECTS AND REASONS

At present the term "public property" as defined in the Prevention of Damage to Public Property Act, 1984 includes any property, whether immovable or movable (including any machinery) owned or possessed by or under the control of the Central Government, State Government, local authority, Corporation or a company. However, still there are many places where the public visit or interact at large in normal course of events like religious and educational institutions which are not included in the definition of public property. The need is to include such places under the definition of 'public property' under the parent Act.

Hence this Bill.

NEW DELHI;
June 29, 2017.

MULLAPPALLY RAMACHANDRAN

BILL NO. 105 OF 2017

A Bill to provide for right to farmers for protection and sale of surplus crop produce at remunerative prices and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Right to Protection of Crop Produce Bill, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “centre” means any establishment of the appropriate Government meant for storage and sale of crop produce;

(c) “Committee” means the Inspection and Encouragement Committee constituted under section 4;

(d) “farmer” means any person who cultivates land or causes it to be cultivated for agricultural or horticultural purposes; and

(e) “prescribed” means prescribed by rules made under this Act.

3. Every farmer shall have the right to protect his crop produce and the sale of surplus crop produced at remunerative prices at such centres as may be designated by the appropriate Government, from time to time.

Right to protect and storage of surplus crop produce.

4. For the purposes of section 3, the appropriate Government shall—

Duty of the appropriate Government.

(i) extend the benefit of right to protection of crop produce to all the farmers irrespective of religion, caste, gender, age, lineage or economic condition;

(ii) determine the remunerative prices of crop produce from time to time;

(iii) purchase the surplus crop produce of a farmer at remunerative prices which shall be paid in cash;

(iv) develop the storage facilities for surplus crop produce of farmers;

(v) ensure necessary arrangements for transfer of surplus crop produce to other parts of the country that are deficit in such crop produce;

(vi) create awareness amongst farmers for selling their surplus produce at designated centres so as to receive the remunerative prices of such crop products;

(vii) organize campaigns to create awareness from time to time about disastrous results of approaching hoarders by farmers;

(viii) implement Model Code of Practice to be framed by the appropriate Government;

(ix) provide financial assistance to such farmers who are economically weak for increasing quality and quantity of crop produce; and

(x) make necessary arrangements free of cost for transportation of surplus crop produce of farmers to designated centres for sale; and

(xi) undertake such other measures as it deem necessary for carrying out the purposes of this Act.

5. (1) The Central Government shall, by notification in the Official Gazette, constitute a Committee to be known as Inspection and Encouragement Committee for proper implementation of the provisions of this Act.

Constitution of an Inspection and Encouragement Committee.

(2) The Committee shall consist of—

(a) Union Minister of Agriculture and Farmers Welfare, as Chairperson, *ex-officio*;

(b) one agricultural scientist having such expertise to be appointed by the Central Government in such manner as may be prescribed, member-secretary; and

(c) Chief Minister or Minister of Agriculture of respective State Government member, *ex-officio*.

(3) The Committee shall meet at least four times a month:

Provided that the Chairperson may if he deems fit call for a meeting at any time in consultation with the member-secretary and members of the Committee, as and when the circumstances so warrant.

(4) The Union Ministry of Agriculture and Farmers Welfare shall provide secretarial and financial assistance to the Committee.

Functions of the Committee.

6. The Committee shall—

- (1) ensure proper implementation of the provisions of this Act;
- (2) ensure mandatory procurement of surplus crop produce of a farmer to other parts of the country;
- (3) organize training programmes for farmers, from time to time to acquaint them about use of seeds, fertilizers, plant conservation, chemical and irrigation systems in agricultural works through balanced and modern methods;
- (4) organize special campaign programme for make farming profitable and suitable as a means of livelihood;
- (5) make arrangements to set up fair price shop of crop produce;
- (6) make arrangements for procurement of surplus agricultural produce of every farmer in a dignified way; and
- (7) undertake such other functions as may be assigned to it from time to time by the appropriate Government.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite Funds to the Committee, from time to time, for carrying out the purposes of this Act.

Power to remove difficulty.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, make such provisions not inconsistent with provisions of this Act, which appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of three years from the date of commencement of this Act.

Act not in derogation of other laws.

9. The provisions of this Act shall be in addition and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Power to make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The formulation of policies in the public interest and its proper implementation are important characteristics of a Welfare State. But when the subject matter is related to agriculture, the public Welfare State seems eyewash. Even after a span of seventy years of independence, there has not been any major change in the life of farmers of the country. According to a report based on the National Sample Survey, more than eighty-six per cent. farmers have less than two hectares of land which is resulting in suicide by farmers in a large number whereas a corporate farmer is making profits in crores by gaining Income Tax rebate. The share of agriculture in Gross Domestic Product of the country is approximately fourteen to sixteen per cent. whereas forty-nine per cent. of total labour force and sixty-four per cent. of village labour force is engaged in agricultural works.

To emerge out farmers from crop cycles, efforts are being made to make farmers aware through organizing camps on a large scale, organized by the Government and the department of agriculture. The farmers of Uttar Pradesh, Punjab, Rajasthan and Madhya Pradesh do regrettable farming by getting suggestions from awareness camps organized by the Government and the department of agriculture but farmers do engage themselves again in paddy and wheat farming because of not getting the fair prices of crops in *Mandies*.

Despite huge production of grains and vegetables in the country, farmers are in trouble. They got good fair price of their produce during the last two years but crops were lost due to drought and unseasoned rains. As a result their incomes got affected. The aim of the Government is to make farmers' income double which has been expressed by the Hon'ble Prime Minister many times. But whether the crop is much or less, the income of farmers never increases. This year prices of vegetables or grains got new lows despite sowing on huge scale and favourable season.

Despite food sufficiency in the country, there has been constant less availability of food grains in the country for want of proper mechanism. Therefore, by procurement of surplus produce from farmers on fair price by the Government along with by making that available in other parts of the country, the price rise would be controlled and farmers will get fair price of their produce.

Hence this Bill.

NEW DELHI;
June 30, 2017

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the constitution of an Inspection and Encouragement Committee. Clause 6 provides for functions of the Inspection and Encourage Committee. Clause 7 makes it mandatory for the Central Government to provide requisite funds to the Committee. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees twenty thousand crore will be involved.

A non-recurring expenditure of about rupees fifteen thousand crore is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 145 OF 2017

A Bill to provide for compulsory military training to all the students in schools and colleges in the country.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Compulsory Military Training in Schools and Colleges Bill, 2017.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government; and

(b) "prescribed" means prescribed by rules made under this Act; and

(c) "schools and colleges" means—

(i) a school or college established, owned or controlled by the appropriate Government or a local authority or a non-Governmental Organisation; or

(ii) an aided school or college receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority or a non-Governmental Organisation; or

(iii) an educational institution managed by a private entity, society or a trust,

which imparts education elementary, secondary, senior secondary or higher education, as the case may be.

3. The Central Government shall provide military training to all physically and mentally sound students for a period of not less than three years.

Providing
Mandatory
Military
Training to
students.

4. (1) The appropriate Government shall include compulsory military training in theory and practical of the curriculum from class eighth to the graduation level.

Appropriate
Government to
issue
directions for
compulsory
military
training in
schools and
colleges.

(2) The appropriate Government shall evaluate the curriculum regarding military training, from time to time, and also issue necessary directions to schools and colleges within its jurisdiction.

5. The Central Government shall issue certificates to all students who successfully complete military training provided under section 3.

Certificate of
military
training.

6. The appropriate Government shall employ students who have successfully completed military training in defence service, paramilitary forces and such other institutions as it may deem fit for proper utilization of talent:

Employment.

Provided that all such students who, after successful completion of military training, remain unemployed shall assist the armed forces in rendering help during natural calamities and given appropriate remuneration in such manner as may be prescribed.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make
rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There has been an increase in extremist and naxalite activities in almost all the areas of the country for the last several years and the incidents of murder, loot and dacoity are also on the rise. Alongwith this, there is a sense of insecurity in the present world where the neighbouring countries are always creating an adverse environment for use. The Government has been making efforts to provide security in the country but it is not possible without the cooperation and effort of each and every citizen. All the developing nations of the world are providing compulsory military training to their citizens. But there is no provision for compulsory military training for citizens and students in our country. Military training shall inculcate patriotism and a sense of brotherhood alongwith discipline in every student. Military training shall also pave way for their overall development and welfare of nation.

Military training should be imparted to students alongwith education so that more and more students can be prepared for Armed Forces and Paramilitary Forces. In view of this, a provision has been made for compulsory military training in schools and colleges.

Hence this Bill.

NEW DELHI;

SHRIRANG APPA BARNE

June 30, 2017.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide compulsory military training to all students for at least three years. Clause 5 provides for issuing certificates to all students who have successfully completed military training. Clause 6 provides for giving appropriate remuneration to students for assisting armed forces during natural calamities. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees eight thousand crore per annum.

A non-recurring expenditure of about rupees six thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 115 OF 2017

A Bill to provide for the welfare of sportspersons who have represented India in Olympic Games, Asian Games, Commonwealth Games or in any other International Sports Events and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Sportspersons (Welfare) Act, 2017.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Board” means the Sportspersons Welfare Board constituted under section 4;

(b) “Fund” means the Sportspersons Welfare Fund constituted under section 6;

(c) “prescribed” means prescribed by rules made under this Act; and

(d) “sportsperson” means a sportsperson who has represented India in the Olympics or Asian or Commonwealth Games or in any other International sports event.

Central Government to ensure welfare of sportspersons.

3. It shall be the duty of the Central Government to ensure welfare of the Sportspersons.

Constitution of Sportspersons Welfare Board.

4. (1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as Sportspersons Welfare Board for carrying out the purposes of this Act.

(2) The Board shall consist of—

(a) Union Minister of Youth Affairs and Sports, as Chairperson *ex-officio*;

(b) two sportspersons to be appointed by the Central Government in such manner as may be prescribed, member-secretaries;

(c) one member from Sports Authority of India, member; and

(d) one official of the Union Ministry of Youth Affairs and Sports of the rank of Joint Secretary and above, member;

(3) The Board shall meet atleast twice a month:

Provided that the Chairperson may call for a meeting at any time in consultation with the member-secretaries as and when the circumstances warrant so.

(4) The salary and allowances payable to and other terms of conditions of members of the Board shall be such as may be prescribed.

Functions of the Board.

5. The Board shall—

(a) provide ground level training to every sportsperson;

(b) ensure timely utilization of allocated sports budget;

(c) provide relaxation to the sportspersons in rules related to passports;

(d) provide reservation in posts and services under the State for sportspersons;

(e) enforce the Model Sports Code as formulated by the Central Government;

(f) ensure exclusion of politics from the sports; and

(g) undertake such other welfare measures as it deems necessary.

Constitution of the Sportsperson Welfare Fund.

6. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Sportspersons Welfare Fund for carrying out the purposes of this Act.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) Any sum received from individuals in the form of donations shall also be credited to the Fund.

Utilisation of Fund.

7. The Fund shall be utilised for—

(a) payment of rupees thirty-five thousand monthly pension to the sportspersons;

(b) ensuring employment of the sportspersons;

(c) accommodation facility for sportspersons;

(d) free education facilities for the children of sportspersons;

- (e) free medical and health check up facilities for sportspersons;
- (f) providing loan at zero rate of interest to a sportsperson willing to set up his business to earn livelihood;
- (g) free of cost Rail travel facility; and
- (h) such other welfare measures, as may be prescribed.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Central Government to provide funds.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Act to supplement other laws.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and, if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In the name of Indian sports, only cricket, tennis and badminton are being recognised in the world. Cricket symbolises living in clover, elitism, name-fame and a secured future. Cricketers are earning not only disproportionate amount of money but are also making their ostensible presence in the cinematic world. Not just that, there is an avalanche of best jobs and gainful employment in both public and private sector also. Tennis and Badminton are also said to be the sports of making easy money. Big Multinational companies are competing to offer them sponsorship. Huge amount of public funds are being spent on these sports to provide them a fillip. On the other hand, in just opposite scenario, India fails to make progress even in the sports like athletics. Our country is counted among the most unfit countries *vis-a-vis* the other countries. Our country is unique and only one of its kind where people tend to set up unauthorized colonies where the children are bereft of parks to play there. It is poverty that keeps even talented children from making their career in sports for want of requisite economic prosperity. If the funds allocated on sports budget are spent on talent hunt besides setting up youth academics, the situation would definitely improve on the ground. The Government of India ought to enhance the allocation of sports budget as the facilities required for enabling the sportsperson to be the best ones invariably calls for huge investment. The need is to provide the sportspersons with better facilities to encourage them. The young players of the country should be given an opportunity to play against foreign players in order that they may be able to further enrich their performance.

India spent rupees one hundred and twenty crore in the run up to the preparations for Rio Olympics. The Olympics held once in four years accounted for just one hundred and twenty crore rupees. Whereas as much as one hundred and twenty crore, one hundred and seven crore, eighty six crore have been spent on Indian Institute of Science, Bangalore, IGNOU and School of Planning and Architecture, respectively. This apart, more than rupees five thousand six hundred and twenty one crore has been spent on forty Central Universities of the country in a year. More than four thousand one hundred thirty five crore rupees has been spent on twenty two Indian Institute of Technology's (IITs) in a year. Not just that, it is only in a year that a sum of rupees two thousand five hundred seventy seven crore and rupees four hundred and sixty three crore have been spent on 31 National Institutes of Technology's (NITs) and Indian Institute of Managements (IIMs) in a year only.

Even today, Indian parents don't go for so many options in terms of the career of their children and wards. They don't lend a serious thought to the options other than conventional careers like medical and engineering. Children receive little motivation to pursue their career in sports. In case the above things are given effect to by the Union Government, Indian parents would love to witness their children graduating to be Olympians at the end of the day.

Hence this Bill.

NEW DELHI;
June 30, 2017.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for Constitution of a Sportspersons Welfare Board. Clause 6 provides for constitution of Sportspersons Welfare Fund. Clause 8 makes it obligatory for the Central Government to provide adequate funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated fund of India. It is not possible to quantify the actual amount which may be involved at this stage but it is estimated that a sum of rupees ten thousand crore may involve as recurring expenditure per annum.

A non-recurring expenditure of about rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 116 OF 2017

A Bill to provide for compulsory voting by the electorate in the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Compulsory Voting Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Compulsory
Voting.

2. It shall be compulsory for every voter who is eligible to vote at an election to exercise his right to vote when called for by the Election Commission:

Provided that a voter may be exempted from exercising his right to vote—

(a) if he is physically incapacitated from an illness of a serious nature and produces a medical certificate from a registered medical practitioner certifying such incapacity; or

(b) if the election commission or such other authority as may be empowered by the Election Commission, on receipt of a request either before or after the poll, from the voter, is satisfied that there are genuine and *bona fide* grounds for such exemption; or

(c) if he belongs to armed forces including paramilitary forces and is on active duty.

3. The Election Commission shall ensure protection and safety of all citizens who come to polling booths to cast their votes.

Protection and safety for voters at polling booths.

4. The election commission shall send a list of names of all eligible voters, who have not cast their votes, to Central Government or the State Government, as the case may be.

Sending of list of names of voters not casting their votes to the Government.

5. (1) There shall be set up adequate number of polling booths at convenient locations in every constituency of the House of the People or Legislative Assembly, as the case may be.

Adequate number and spacing of polling booths.

(2) The polling booths shall be set up in such a way—

(i) that number of voters for each booth remains same to the extent possible; and

(ii) that distance between one polling booth and another shall not exceed five hundred meters:

Provided that in hilly regions and desert areas polling booths may be set up according to geographical convenience and density of population.

6. There shall be made suitable arrangements enabling the persons deployed in connection with the polling duty to cast their votes.

Special arrangements for poll staff.

7. There shall be made separate arrangements in every polling booth for casting of votes by senior citizens, physically challenged persons and pregnant women.

Special arrangements for senior citizens, etc.

8. Any person, who fails to cast his vote shall be liable to—

Punishment.

(i) a fine of rupees two thousand; or

(ii) five days' imprisonment; or

(iii) forfeiture of his ration card, passport and Aadhaar card for at least 6 months; and

(iv) be ineligible to get loan of any kind from any financial institution owned by the Central Government or from private sector financial institution;

(v) be ineligible for entitlement to any government scheme announced by the Central Government or the State Government from time to time:

Provided that if such person is an employee of the Union Government or a State Government or a Union Territory Administration or any Public Sector Undertaking owned or controlled by the Union Government or a State Government or a Union Territory Administration or any private sector, such person shall also be punished with—

(a) forfeiture of one month salary; and

(b) delay in promotion for a period of four years.

Power to make
rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the proposes of this Act.

(2) Every rule made under this act shall be laid as soon as may be after it is made before each House of Parliament, while it is in session, for total period of thirty days which may be comprises in the session or in two or more following the session or the successive session aforesaid. Both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Constitution has adopted the system of universal adult suffrage to secure political justice. Right to vote is also provided in India under the Representation of People Act, 1951. It provides that every person who is, for the time being entered in the electoral roll of the constituency, shall be entitled to vote in that constituency. Since elections are the life blood of democratic procedure, it is via the act of voting that democratic principles are protected. Electoral systems are the main tools through which the notions of participation and representation are transformed into reality. The main purpose of the electoral system is to transform votes cast by electors into seats in the Parliament. Given that participation in modern States is inter-linked with the notion of democracy, citizens' political engagement is of great importance. Leaders are trying to legitimize their actions by creating a sense of public involvement. Even though different States have different ways of elections and different ways of attracting voters, this electoral deficit is a global phenomenon. So, we can say there is a direct connection between democracy and compulsory voting. Compulsory voting is not a new concept. Some of the countries that introduced mandatory voting laws were Belgium in 1892, Argentina in 1914 and Australia in 1924. Countries that enforce compulsory voting are Argentina, Australia, Austria, Bulgaria, Brazil, Chile, Cyprus, Ecuador, Fiji, Greece, Lichtenstein, Mexico, Nauru, Peru, Singapore, Switzerland (One Canton only), Turkey and Uruguay. Compulsory voting is a system in which electors are obliged to vote in elections or attend a polling place on voting day.

Compulsory voting system confers a higher degree of political legitimacy because they result in increased voter turnout. The victorious candidate represents a majority of the population, not just the politically motivated individuals who would vote without compulsion.

Compulsory voting prevents disenfranchisement of the socially disadvantaged. In a similar way that the secret ballot is designed to prevent interference with the votes actually cast, compelling voters to the polls for an election reduces the impact that external factors may have on an individual's capacity to vote such as the weather, transport, or restrictive employers.

If everybody must vote, restrictions on voting are easily identified and steps are taken to remove them.

Compulsory voting may encourage voters to research the candidates' political positions more thoroughly. Since they are voting anyway, they may take more of an interest into the nature of the politicians they may vote for, rather than simply opting out. This means candidates need to appeal to a more general audience, rather than a small section of the community.

Apart from the increased turnout as a value in itself, Arend Lijphart, a renowned political scientist, lists other advantages to compulsory voting. Firstly, the increase in voting participation may stimulate stronger participation and interest in other political activities. Secondly, as smaller campaign funds are needed to goad voters to the polls, the role of money in politics decreases.

Hence this Bill.

NEW DELHI;
June 30, 2017.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 5 provides for setting up of adequate number of polling booths in every constituency. Clauses 6 and 7 provide for special arrangements for persons deployed for poll duty, senior citizens, physically challenged persons and pregnant women in order to enable them to cast their votes. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees seven thousand crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five thousand crore is also likely to be involved.

MORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 122 OF 2017

A Bill to provide for the remunerative price for the produce of the cotton growers, insurance of cotton crop free of cost and for their overall welfare and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Cotton Growers (Remunerative Price and Welfare) Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Cotton grower" means any person who cultivates cotton; and

(b) "prescribed" means prescribed by rules made under this Act.

Procurement of cotton and fixation of its remunerative price.

3. (1) It shall be the duty of the Central Government to procure the entire cotton crop produced in the country through an agency to be set up for the purpose.

(2) The Central Government shall fix the price of cotton every year after taking into consideration,—

- (i) the increase in the price of cotton seeds, pesticides, fertilizers and other inputs;
- (ii) total investment of the cotton growers; and
- (iii) such other factors as may be prescribed.

Export of surplus cotton.

4. The Central Government shall take all necessary steps to export the surplus cotton produced during a year in the country.

Insurance.

5. The entire cotton produced by the cotton growers shall be compulsorily insured free of cost by the Central Government against natural calamities, fall in the yield of cotton, fall in the price of cotton and such other eventualities as may be prescribed.

Cotton Growers Welfare Fund.

6. (1) The Central Government shall constitute a fund to be known as the Cotton Growers Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the fund in such ratio as may be prescribed.

Utilisation of the Fund.

7. The Cotton Growers Welfare Fund shall be used for the following purposes, namely:—

- (a) to provide financial assistance to cotton growers for purchasing cotton seeds, pesticides and fertilizers and in cases of low yields of cotton or loss of their crops due to rains, storms, floods, hailstorms and drought;
- (b) to pay compensation to the next of kin of cotton growers in the event of their death;
- (c) to pay life insurance premium on behalf of the cotton growers;
- (d) to provide free health facilities to cotton growers and their families;
- (e) to provide assistance to the cotton growers in the event of disability; and
- (f) for such other purposes as may be prescribed by the Central Government.

Power to make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Cotton growers are facing lots of problems, as they are not getting remunerative price for their produce. The rising cost of production of seeds, fertilizers and labour *i.e.* input costs is a major issue. The Minimum Support Price (MSP) offered to cotton growers is far below the one required to optimally cover the high input costs. Genetically Modified Crops companies are selling expensive cotton seeds and fertilisers. These have been the major causes for unmanageable debts on farmers leading to suicides.

The indifferent attitude of the Cotton Corporation of India (CCI) in the procurement has affected the interests of cotton growers. The farmers are in distress because of lack of bulk purchase and procurement by unregistered traders.

The above situation has led to the indebtedness amongst cotton growers and when they are unable to repay loans they take the extreme step of committing suicide. Moreover, there is no certainty of sale of cotton grown by them.

There is growing demand of Indian handloom textiles in the world. Therefore, the production of cotton should be increased. But, due to inadequate remunerative price for cotton, the aggrieved cotton growers are forced to abandon cotton farming in favour of other crops.

The Government is required to provide remunerative price and also immediate relief to cotton growers in the event of natural calamities like storm, heavy rains, drought, hailstorm and flood so that cotton growers can feel respite. There is an urgent need to enact a law, which can ensure government assistance to cotton growers in the event of fall in prices or damage to their crops. Therefore, setting up of a Fund for cotton growers and provision of insurance scheme for them will certainly prove to be beneficial for them. An agency is also required to be set up by the Central Government to procure the cotton produce.

The Bill, if enacted, will protect the interests and promote the welfare of the cotton growers in the country.

Hence this Bill.

NEW DELHI;
June 30, 2017.

A.T. NANA PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for procurement of cotton from cotton growers by an agency to be set up by the Central Government and fixation of remunerative prices for cotton by the Central Government. Clause 5 provides for compulsory free insurance by the Central Government of cotton crop against natural calamities. Clause 6 provides for constitution of a Cotton Growers Welfare Fund to which the Central Government and the State Governments shall contribute in such ratio, as may be prescribed.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two thousand crore will be involved per annum.

A non-recurring annual expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 134 OF 2017

A Bill to provide for protection, welfare and payment of remunerative price to banana growers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Banana Growers (Remunerative Price and Welfare) Act, 2017.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Authority” means Banana Export and Processing Development Authority established under section 8;

(b) “banana grower” means any person who cultivates banana;

(c) “Fund” means the Banana Growers Protection Fund constituted under section 6; and

(d) “prescribed” means prescribed by rules made under this Act.

Procurement of banana and fixation of remunerative price.

3. (1) It shall be the duty of the Central Government to procure the banana crop produced in the country through such agency, as it may deem fit.

(2) The Central Government shall fix remunerative price of banana every year after taking into consideration—

(i) the increase in the price of pesticides, fertilizers and other inputs;

(ii) total investment of the banana growers; and

(iii) such other factors as may be prescribed.

Export of surplus banana.

4. The Central Government shall take all necessary steps to export the surplus banana produced during a year in the country.

Compulsory insurance.

5. The entire banana crop produced by the banana growers shall be compulsorily insured free of cost by the Central Government against natural calamities, fall in the yield of banana, fall in the prices of banana and such other eventualities as may be prescribed.

Banana Growers Protection Fund.

6. (1) The Central Government shall set up a Fund to be known as the Banana Growers Protection Fund with a view to safeguard the interests of the banana growers.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

Utilization of the Fund.

7. The Banana Growers Protection Fund shall be used for the following purposes, namely:—

(a) to provide financial assistance to banana growers—

(i) for purchasing fine quality seeds, pesticides and fertilizers; and

(ii) in case of low yields of bananas or loss of their crops due to rains, storms, floods, hailstorms and drought;

(b) to provide compensation in the event of death or accident of banana growers or labourers engaged in the production of bananas and other related work;

(c) to pay life insurance premium on behalf of the banana growers;

(d) to provide free health facilities to banana growers and their families; and

(e) such other purposes as may be prescribed by the Central Government.

Banana Export and Processing Development Authority.

8. (1) The Central Government shall, by notification in the Official Gazette, establish an Authority to be known as the Banana Export and Processing Development Authority for promoting the export and processing of banana.

(2) The head office of the Authority shall be at Jalgaon in the State of Maharashtra.

(3) The Banana Export and Processing Development Authority shall consist of the following:—

(i) a Chairperson, who shall be a person having knowledge and not less than fifteen years of experience in the agricultural sector, to be appointed by the Central Government;

(ii) two members, who shall be persons having not less than fifteen years experience of research in banana processing industry, to be appointed by the Central Government.

(4) The Chairperson and the members of the Authority shall be appointed for a period of three years or till they attain the age of sixty-five years, whichever is earlier.

(5) The salary and allowances payable to, and other terms and conditions of the service of Chairperson and the members of the Authority shall be such as may be prescribed by the Central Government.

(6) The Central Government shall provide to the Authority such officers and staff as it deems necessary for the efficient functioning of the Authority.

9. The Authority shall perform the following functions:—

Functions of the Authority.

(a) disseminate information among banana growers about reasonably priced seeds, fertilizers and pesticides needed for growing bananas;

(b) recommend to the Central Government the building of cold storages at strategic places for the storage of bananas;

(c) provide financial assistance to banana growers for availing cold storage facility;

(d) aid and encourage research in banana processing industry and set up research institutes in this regard; and

(e) recommend to the Central Government the measures for increasing banana export and for revitalizing banana processing industry.

10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear it to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such order shall be made under this section after the expiry of two years from the commencement of this Act.

11. The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

Act not to be in derogation of other laws.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Banana (*Musa species*) is the second most important fruit crop in India next to mango. Its availability round the year, affordability, varietal range, taste, nutritive and medicinal value makes it the favourite fruit among all classes of people. It has also good export potential.

It is cultivated in many States of the country. The banana growers are facing lots of problems today. They are not getting remunerative price of their produce. To grow their crop, they are forced to take loans. The banana growers are in distress as the price of banana crops are not increasing in proportion to that of input cost *i.e.* cost of seeds, fertilizers and pesticides.

The quality control, packing and marketing are other problems faced by processing industries. In order to overcome these, clusters of cottage or small scale industries under a central unit need to be promoted for processing the fruit under standard specified conditions and practices. The packing, branding and marketing has to be done by the Central unit. The efforts should also be made to develop cost effective suitable packing material for banana export and standardize packaging techniques to have consistent quality.

As banana is a highly perishable crop, the banana growers have to sell their produce within a short period because they do not have the technology to preserve the bananas for a long duration. In the absence of modern banana processing Industries and adequate cold storage facilities, the banana growers are forced to sell off their produce at a throw-away prices. There is no institutional mechanism on the part of the Government to ensure that banana growers get remunerative price of their produce. As a result, the banana growers are getting trapped in debt.

By encouraging banana processing industry, avenues of employment generation can be ensured along with the prosperity of the banana growers. The Government should provide remunerative price and also prompt relief to banana growers in the event of natural calamities like storm, heavy rains, hailstorm and floods so that banana growers can prosper. Setting up of a fund for banana growers and provision of insurance scheme for them will certainly prove beneficial to them. Therefore, there is an urgent need to enact a law which ensures Government assistance for the protection and welfare of the banana growers in the country.

Hence this Bill.

NEW DELHI;
June 30, 2017.

A.T. NANA PATIL

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for compulsory insurance of banana crop. Clause 6 provides for the setting up of Banana Growers Protection Fund. Clause 8 provides for the setting up of a Banana Export and Processing Development Authority. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring annual expenditure of rupees five hundred crore.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 126 OF 2017

A Bill to provide for special financial assistance to the State of Maharashtra for the purpose of sustainable and balanced development of growth-oriented infrastructure such as housing, drinking water, roads, sanitation, creation of grain and fodder banks, skill development, cloud seeding, contour bunding and welfare schemes for the women, children, senior citizens and people living below poverty line in the State along with combating desertification and drought problem in Marathwada and Vidarbha regions caused by consistent deficit rainfall and drought conditions by encouraging traditional water conservation through lakes, ponds, wells, rainwater harvesting and afforestation and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Special Financial Assistance to the State of Maharashtra Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. There shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Maharashtra to meet the costs of such schemes of development as may be undertaken by the Government of Maharashtra with the approval of Union Government for the purposes of—

- (i) eradication of the problem of malnutrition from the State;
- (ii) implementation of schemes aimed at improving the health and educational standards of girl child;
- (iii) providing for welfare measures aimed at improving the condition of agricultural and migrant labourers;
- (iv) providing for measures aimed at lowering of infant mortality rate, improving the maternal health and promoting institutional delivery in the State;
- (v) providing employment to members of families living below poverty line and unemployed youth through skill development;
- (vi) providing water and sanitation facilities in rural and urban areas;
- (vii) creating good quality infrastructure of roads, rail, highways, street lights, schools, colleges and transport;
- (viii) creating awareness amongst people about disaster preparedness plan and training them to deal with disasters;
- (ix) creation and maintenance of water conservation bodies such as check dams and preventing the westward water diversion from Bhima basin to Konkan;
- (x) digging of open wells, ponds and desiltation of such bodies from time to time under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005;
- (xi) encouraging and providing irrigation facilities to the farming sector and promotion of drip irrigation facility in these regions;
- (xii) capping of water guzzling sugarcane area and promotion of drought resilient crop like jawar, bajra, sunflower, pigeon pea or tur, mulberry and potato;
- (xiii) promotion of rain water harvesting and watershed development to ensure replenishment of groundwater;
- (xiv) afforestation particularly on vacant or barren and waste land with the help of villagers and village Panchayats including community afforestation;
- (xv) promotion of growing fodder and setting up fodder and foodgrain Banks at conspicuous places;
- (xvi) initiating welfare measures for improving the conditions of agricultural workers, senior citizens, women, children and poor people living in these regions;
- (xvii) establishing cold storages and warehouses for the farmers;
- (xviii) settling the debt of farmers;
- (xix) providing compensation and relief to farmers and agricultural labourers for any damage to crops caused due to rainfall deficit, pest attack, flood, hailstorm or any other natural calamity;
- (xx) encouraging and providing sustainable practices like organic farming coupled with modern irrigation facilities like drip irrigation, contour bunding and sprinklers to farmers;
- (xxi) promotion of research and development through Krishi Vigyan Kendra in agriculture and drought management to ensure better and inexpensive inputs like seeds, fertilizers and pesticides;

(xxii) training of farmers in new agricultural techniques and promoting allied sectors like livestock and poultry;

(xxiii) promoting food processing industries based on local agricultural products;

(xxiv) implementation of social awareness campaigns through non-Governmental Organisation and Self-Help groups relating to farmer credit, water literacy and drought management through change in cropping pattern;

(xxv) promotion and implementation of cloud seeding through silver iodide in the State; and

(xxvi) such other provisions as the Government of the State of Maharashtra may deem necessary for carrying out the purposes of this Act.

Power to
remove
difficulties.

3. If any difficulty arises in giving effect to the provisions of this Act, the President of India may, by order, make such provisions not inconsistent with the provisions of this Act which appears to him to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

Act not in
derogation of
other laws.

4. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

STATEMENT OF OBJECTS AND REASONS

The State of Maharashtra needs assistance from the Central Government for the successful completion of various schemes being undertaken at present with an aim to improve the standard of life of the people, improve the sex-ratio and level of education and health condition of the girls, to encourage the girl students of families living below poverty line to pursue higher education and also to provide incentives for people living below poverty line to pursue higher education. The condition of farmers and agricultural labourers in the State is far from satisfactory and their welfare and protection are of paramount importance. Central assistance to the State is also needed for further reduction in the maternal and infant mortality rates.

Recurring droughts have made the State an epicenter of farmer suicide. The situation is more precarious in Marathwada and Madhya Maharashtra where droughts have been a frequent occurrence during the past fifty years. The frequent droughts are resulting in desertification of the regions where quality pomegranates, grapes, sweetlime and other fruits are exported for earning precious foreign exchange. These regions used to grow bumper crops of Cotton, Soyabean and traditionally grown crops such as jawar, bajra, sunflower and pigeon pea or *Tur* and other pulses and oilseeds. Water guzzling cane has resulted in steep fall in ground water level and growing desertification. This trend has to be stopped through massive water conservation with check dams and other structures to arrest rain water run off.

The traditional methods of water conservation through digging of open wells, ponds, lakes and such other bodies and time to time desiltation of such water bodies needs to be undertaken. Rain water harvesting has to be promoted as a mass movement in this regions. Afforestation on a large scale particularly on barren lands and wastelands has to be promoted in these regions involving villagers and village Panchayats by providing incentives. This can certainly arrest the desertification in these regions. Unfortunately these regions of the State are not much developed in comparison to other regions of the State in terms of infrastructure facilities such as potable water, roads, electricity, sanitation and other development indicators such as employment, per capita income and education particularly of the girl child. Welfare measures for the senior citizens, widows, physically handicapped or infirm do not exist in these regions of the State. Maharashtra has to be allocated its fair share of resources by the Central Government. As a welfare State, the Government has to provide all these facilities and work towards giving a requisite push for overall and allround development of the State.

Hence this Bill.

NEW DELHI;
June 30, 2017.

RAJEEV SATAV

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sums of moneys out of the Consolidated Fund of India, every year, as Parliament may by due appropriation provide, as special financial assistance to the State of Maharashtra to meet the costs of such schemes of development, as may be undertaken by the State of Maharashtra with the approval of the Central Government. The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India for providing special financial assistance to the State of Maharashtra. As the sums of moneys which will be given to the State of Maharashtra as special financial assistance by appropriation by law made by Parliament will be known only after the welfare schemes to be implemented by the State Government are identified, it is not possible to give the estimates of recurring or non-recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

BILL NO. 245 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2017.

Amendment of
article 172.

2. In article 172 of the Constitution, after clause (1), the following clauses shall be inserted, namely:—

"(1A) Subject to the provisions of clause (1), Parliament may, by law, extend or curtail the duration of the term of the Legislative Assembly of a State so that elections to all the State Legislative Assemblies may coincide with the General Elections to the House of the People by the year 2024.

(1B) For the purposes of clause (1A), the Central Government shall, within six months from the date of coming into force the Constitution (Amendment) Act, 2017, in consultation with the Election Commission, determine the manner of extending or

curtailing the duration of the term of the State Legislative Assemblies so that the elections to the State Legislative Assemblies are held simultaneously with the General Elections to the House of the People by the year 2024."

3. For article 326 of the Constitution, the following article shall be substituted, namely:—

Substitution of new article for article 326.

"326. The elections to the House of the People and to the Legislative Assembly of every State shall be held simultaneously on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than eighteen years of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election."

Elections to the House of the People and to the Legislative Assemblies of States to be held simultaneously on the basis of adult suffrage.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India has vested the Election Commission of India the superintendence, direction and control of the entire process for conduct of elections to Parliament and Legislature of every State. However, frequent elections across the country have placed Indian polity perennially in an election mode. This will hamper long-term policy making because every decision of the State or Central Government is seen as a reason for votes.

On an average the country witnesses, elections to about five to seven State Assemblies every year. Adding to it is the elections to the third tier of Government *i.e.* Panchayati Raj Institutions and Municipal bodies in rural and urban areas respectively, bye-elections etc. This has substantially increased the number of elections in any given year. With multiple elections, the model code of conduct is in force for most of the time which prevents the Government from initiating new projects and ultimately slow down development work. It affects stability and economic development.

Besides the Lok Sabha elections in 2014, elections were held to about fifteen States Assemblies during March 2014-May 2016. In 2014 alone, elections were held in March-May (Lok Sabha, Andhra Pradesh, Telangana, Odisha and Sikkim), September-October (Haryana, Maharashtra) and State Assemblies were announced within a month of concluding elections to other State Assemblies. This would not only end up negatively impacting administrative and developmental activities in the poll bound States/regions but also substantially increase the cost of conducting elections to the largest democracy in the world.

In lieu of this, the Standing Committee on Personnel, Public Grievances, Law and Justice submitted its report on the "Feasibility of Holding Simultaneous Elections to the House of People (Lok Sabha) and State Legislative Assemblies" in December 2015.

The Committee Report suggested that the holding of simultaneous elections to Lok Sabha and State Assemblies would reduce—

- (1) The massive expenditure that is currently incurred for the conduct of separate elections;
- (2) the policy paralysis that results from the imposition of the model code of conduct during elections time;
- (3) impact on delivery of essential services; and
- (4) burden on crucial manpower that is deployed during election time.

The Election Commission is of the view that simultaneous elections will give enough time for the elected incumbent Government to formulate policies and implement programs continuously for a longer period without any interruption caused by imposition of model code of conduct. In fact, the Election Commission has favored holding simultaneous elections to the Lok Sabha and State Assemblies. However, it is for all the political parties to come together on board for hold such synchronized elections of India.

The Bill, therefore, seeks to amend the Constitution with a view to curtail or extend the duration of Legislative Assemblies of States so as to ensure that the elections to the State Legislative Assemblies are held simultaneously with the general elections to the House of the people by the year 2024.

Hence this Bill.

NEW DELHI;
November 27, 2017

RAJIV PRATAP RUDY

Bill No. 238 of 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2017.

Short title.

2. After article 47 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
47A.

"47A. The state shall take steps to ensure access to safe potable water to every household of the country.

State to provide
access to safe
Potable water
to every
household.

Amendment of
the Seventh
Schedule.

3. In the Seventh Schedule to the Constitution,—

(i) in List II-State List, entry 17 shall be omitted;

(ii) in List III-Concurrent List, after entry 47, the following entry shall be inserted,
namely:—

"48. Water, that is to say, water supplies, irrigation and canals, drainage
and embankments, water storage and water power subject to the provisions of
entry 56 of list 1."

STATEMENT OF OBJECTS AND REASONS

Water is the most crucial need and it remains the fundamental necessity of mankind. This necessity has turned itself into one of the basic human rights in India. With the *per capita* availability of water continuing to decline, the nation hurtles towards water scarcity. More than three-quarters of India's rural population are dependent on ground water for drinking, but the country's aquifers are not only under tremendous stress, the quality of water they provide is also deteriorating.

Although the Supreme Court as well as several High Courts in the country have upheld the citizens' right to have access to clean drinking water as a fundamental right under the purview of article 21. India has the highest number of people in the world without access to safe potable water. It is estimated that even today at least 63 million Indians do not have access to clean drinking water.

The contamination of water with fluoride, iron, nitrate, arsenic and other heavy metals has not only adversely affected health and environment but the crippling effects of fluoride and arsenic toxicity are transforming to become a major public health issue in the country. An alarming 80 per cent of India's surface water is gauged to be polluted due to un-treated sewage effluents. The highly vulnerable effects of extreme weather events and climate change have only added to the burden of India's rural poor with majority of India's rural districts witnessing an increasing number of vector borne diseases, cholera, dysentery, jaundice, diarrhoea and cancer. The WHO estimates that, in India, about 38 million people are affected by waterborne diseases each year, of which over 75 per cent are children, Nearly 8 lakh deaths are attributed to contaminated water and more than 4 lakh deaths can be attributed to diarrhoea alone.

With 67 per cent of India's population living in rural areas it is imperative on the part of both the State Governments and the Central Government to step up its heavy metal water contamination, prevention and mitigation activities by providing potable water, ensuring proper drainage system and providing piped water to every household. Incorporating the new article under the Directive Principles of State Policy of the Constitution would act as guidelines by the Constitution to the State in its policy formulation.

At present, water is a State subject and is considered as the primary responsibility of the State Government. However, under the National Rural Drinking Water Programme (NRDWP), the Ministry of Drinking Water and Sanitation, Government of India provides technical and financial assistance to the States to provide safe and adequate drinking water to the rural population.

It has been noted that there exist large scale discrepancies when it comes to providing safe and piped potable water especially to the rural population across different states in India. As per Census-2011 Report, 30.80 per cent of the rural households in the country get tap water and 70.60 per cent of the urban households of the country are covered with tap water supply. Access to safe water varies greatly from state to state. Greater than 50 per cent of the rural population in Maharashtra and Gujarat have access to treated water while, in Bihar, less than 2 per cent of the rural population receives treated water. The State Governments are facing funds crunch to make proper arrangements for piped and potable water especially in rural areas.

The Bill, therefore, seeks to amend the Constitution with a view to—

(a) put an obligation on the state to ensure access to safe potable water to every household; and

(b) Transfer entry 17 of List-II, State List pertaining to 'Water', to List-III, concurrent List so that the Parliament *i.e.*, Central Government along with the respective State Governments can play the dual role in the field of development of agriculture and sustainable use of water to meet the growing needs of the society.

Hence this Bill.

BILL NO. 105 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

- 2.** For article 48A of the Constitution, the following article shall be substituted, namely:—
- “48A. (1) The State shall endeavour to protect and improve the environment so as to ensure a pollution-free environment for its citizens and to safeguard the forests and wild life of the country.
- (2) The State shall, through such enforcement agencies as it consider necessary, strive hard to ensure that forty per cent. of the total geographical area of the country be covered under forest or tree.”.
- 3.** In article 51A of the Constitution, for clause (g), the following clause shall be substituted, namely:—
- “(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures and to actively participate in the State’s endeavour to promote the forest cover of the country to forty per cent. of the total geographical area.”
- Substitution of new article for article 48A.
- Protection and improvement of environment and safeguarding of forests and wild life.
- Amendment of article 51A.

STATEMENT OF OBJECTS AND REASONS

Forests are key to all forms of life. They provide for the continuity of the world's biodiversity which is necessary for economic development, human livelihood, medical discoveries, and to provide environmental adaptive responses. Forests are also important because they stabilize climate, prevent soil erosion, watershed protection and provides habitat to thousands of life forms. Despite our dependence on forests, we are still allowing them to disappear.

India accounts for about 2.4 per cent. of the total geographical area of the world and is also home to 17 per cent. of the world population. India is one of the richest countries in the world in terms of biodiversity making it one of the Mega-diverse countries accounting for nearly 8 per cent. of the species of the world. It is estimated that nearly 1/3rd of Indian plants are endemic, being found nowhere else in the world.

To promote this diversity and economic growth the National Forest Policy, 1952 emphasized on the extension of forest and tree cover by proposing that 33% of the total geographical area should be under forest tree cover. The National Forest Policy, 1988 which was formulated four years before the Earth Summit 1992 embodies the principles of sustainable forest management and mandated an increase in the forest/tree cover in the country to 33 per cent. of the land area. However, according to the India State of Forest Report (ISFR) 2015, the total forest and tree cover is 79.42 million hectare, which is only 24.16 of the total geographical area of the country.

The Bill proposes to conserve the natural heritage of the country by preserving the remaining natural forests and at the same time also promote the increase in the forest cover with the vast variety of flora and fauna by ensuring that the State with active participation of the citizens will be able to preserve and promote the remarkable biological diversity and genetic resources of the country. It also enable the country to meet our climate change targets without any binding obligations.

Hence this Bill.

NEW DELHI;
November 27, 2017.

RAJIV PRATAP RUDY

BILL NO. 151 OF 2017

A Bill to provide for compulsory employment and welfare measures for disadvantaged persons and for matters connected therewith.

BE it enacted by the Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Employment and Welfare Measures for Disadvantaged Persons Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Board" means the National Board for Special Group constituted under section 4;

(b) "disadvantaged persons" means widows, mentally retarded youth, poor old age persons and disabled who are unemployed; and

(c) "prescribed" means prescribed by rules made under this Act.

Constitution of the National Board for Special Group.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a National Board for Disadvantaged Persons to ensure for employment and welfare measures for such persons.

(2) The Board shall consist of a Chairperson and ten other members, out of which one representative each from the States of Uttar Pradesh, Madhya Pradesh and Bihar who shall have special experience in conducting of various social schemes, to be appointed by the Central Government in consultation with the State Governments concerned, in such manner as may be prescribed.

(3) The headquarter of the Board shall be at such place as may be prescribed.

(4) The salary and allowances payable to and other terms and conditions of service of the Chairperson and other members of the Board shall be such as may be prescribed.

(5) The Central Government shall make available such officers and staff to the Board as it may require for its efficient functioning.

Functions of the Board

4. The Board shall—

(i) take steps to ensure employment for livelihood of disadvantaged persons;

(ii) take steps for development of managerial system in small and cottage industries for manufacturing of products as per their demand in the market by accommodating the disadvantaged persons for employment in such industries;

(iii) take steps to review the managerial skill of these industries in every six months for ensuring employment notwithstanding decline in the products manufactured by small and cottage industries;

(iv) take responsibility for sale and marketing of products manufactured by the disadvantaged persons and the profit gained by selling of such products shall be transferred to the account of beneficiaries;

(v) extend the benefits of various social security schemes which are run by the Central Government to the disadvantaged persons;

(vi) recommend to the Central Government that the product manufactured and sale thereof by the disadvantaged persons be kept outside the purview of Goods and Services Tax;

(vii) launch special campaigning programme for promotion of sale of the product manufactured by the disadvantaged persons; and

(viii) take steps for providing financial assistance to the disadvantaged persons in the form of allowances for one year or till the sale of the products is increased during low demand of manufactured products in the market.

Central Government to provide requisite funds.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the National Board for carrying out the purposes of this Act.

Power to make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act;

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is a fast developing country. However, a large portion of the population is deprived of employment in the country or being paid a meager salary. Even today, it has become more difficult for the widows, poor old-aged persons, mentally challenged youth and disabled persons to get the employment. This weakens the self-confidence amongst them making it difficult to live with dignity in the society. It is, therefore, necessary that the Government makes special efforts to ensure employment opportunities for this group so that they may lead a dignified life. For this purpose, the Government shall have to encourage the small and cottage industries, their demand in the market and make efforts to meet constant demand of marketing of the products manufactured by these industries by engaging the widows, poor old-aged persons, mentally retarded youth and disabled persons in such industries so as to enable them to lead life with respect and dignity.

Hence this Bill.

NEW DELHI;
June 30, 2017.

KUNWAR PUSHPENDRA SINGH CHANDEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a National Board for Special Group for employment and welfare measures of such categorised persons. Clause 5 provides that the Central Government shall provide requisite funds to the National Board for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that recurring expenditure of rupees one thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 139 OF 2017

A Bill further to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Forest (Conservation) Amendment Act, 2017.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and
commencement.

Insertion of new sections 3C and 3D.

Protections of rights of inhabitants of hill areas over forests

2. After section 3B of the Forest (Conservation) Act, 1980, the following sections shall be inserted, namely:—

69 of 1980.

"3C. (1) Nothing in this Act or in any other law, for the time being in force, in any part or whole of the territory of India shall be deemed to prohibit the inhabitants of hill areas, living in the vicinity of reserved forests or protected forests or in the vicinity of any other forest land, by whatever name called, from felling, cutting, sawing off or removing trees including green trees or from taking timber and fodder or fetching water or using any other forest produce or from grazing rights or from stripping the bark or leaves from any tree or from quarrying of stones or from any other right or concession which they had been traditionally enjoying or which is recognised and settled as a right by the State Government, in such forest or forest land for their own *bonafide* use for the purpose of collecting fuel or for agriculture or for other domestic and non-commercial purposes.

(2) For the purposes of sub-section (1), the State Government shall grant licenses to the *bonafide* users in such form and manner as it may, by notification in the Official Gazette, specify.

(3) Nothing in this section shall prohibit the State from imposing such conditions or making such regulations, including quantities of forest produce which the *bonafide* users may be entitled to, as are necessary, for conservation and development of forests for public good.

(4) The provisions of this section shall have effect notwithstanding any judgment or order or decree of any court or tribunal or any authority contrary to the provisions of this section.

Approval of Central Government not required for deforestation in certain cases.

3D. (1) Notwithstanding anything contained in sections 2 and 3, the approval of the Central Government shall not be required for deforestation in the following cases, namely:—

(i) any work relating to building new houses for tribal and non-tribal families living in the vicinity of forest land;

(ii) construction of,—

(a) roads or helipads or ropeways to give connectivity to important places;

(b) hospital and health centres;

(c) anganwadis; and

(d) water tanks;

(iii) laying of,—

(a) pipelines for sewer/drinking water connections; and

(b) telecommunication lines;

(iv) erection of electric poles for transmission and distribution of electricity for exclusive benefits to tribal and non-tribal settlements in the vicinity of forests;

(v) any work relating or ancillary to mining; and

(vi) any other development work to be carried out under any developmental scheme launched by the Central Government or State Government, as the case may be.

(2) Every State Government shall forward a list of all cases of deforestation under sub-section (1) to the Union Ministry of Environment, Forest and Climate Change.

(3) If the Central Government, on the basis of information received under sub-section (2) or otherwise, is satisfied that due to development works specified in

sub-section (1), the forest cover in a State has depleted more than ten per cent. during any previous year and that the State Government has not undertaken any effective steps to maintain the forest cover, it may, by notification, suspend the application of the provisions of this Act, in relation to that State till such time as it may deem necessary."

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980 was enacted with a view to check increasing deforestation and consequent degradation of environment. The Act made prior approval of the Central Government obligatory for de-reservation of reserved forests and also for use of forest land for non-forest purposes. Though no one disputes the purpose for which the Act was enacted yet, it cannot be denied that the forests are inseparably linked with day to day life of the forest people.

Further, developmental works like building new houses, roads, helipads, ropeways, hospital and health centres, water tanks, etc. still require approval of the Central Government. This results in avoidable delay in the delivery of services to the people living in these areas. This Act, therefore, does not adequately address the problems of the people living in the vicinity of forest lands and especially of hilly regions of Rajasthan and other States.

People living in the vicinity of forest lands have not seen any developmental work in their area as the existing Forest (Conservation) Act, 1980 provides for a cumbersome procedure to be followed for approval of any project for development of basic amenities in the area. It is necessary to serve the interests of the tribals and other non-tribal people living in the vicinity of forest lands by amending the existing Forest (Conservation) Act, 1980 with a view to facilitate carrying out of necessary construction and other development related works to meet the demands of their growing population for housing, hospital and health centres, etc. in the vicinity of their existing settlements.

The proposed Bill is, therefore, an attempt towards restoring such customary rights as are enjoyed by the people of hilly regions with forests, while, at the same time, allowing the State Government to regulate such rights for the conservation of forests and also to enable them to implement the schemes aimed at the overall development of forest regions.

Hence this Bill,

NEW DELHI;
June 30, 2017.

SUKHBIR SINGH JAUNAPURIA

BILL NO. 123 OF 2017

*A Bill further to amend the Mahatma Gandhi National Rural Employment
Guarantee Act, 2005.*

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2017. Short title and commencement.

(2) It shall come into force at once.

2. In Schedule II to the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, after paragraph 5, the following paragraph shall be inserted, namely:— Amendment of Schedule II.

42 of 2005.

“5A. It shall be the duty of the Gram Panchayat to ensure that, as far as possible, employment is provided to the registered adult members within its jurisdiction during non-agricultural season only.”.

STATEMENT OF OBJECTS AND REASONS

The Mahatma Gandhi National Rural Employment Guarantee Act, 2005, which was enacted in 2005 has provided job to lakhs of jobless persons throughout the country. Now, guaranteed employment is available to under privileged people upto a certain number of days in a year. It is a provision worth appreciating. However, the 'Apna Khet Apna Kaam' Project, under which work is provided to the Scheduled Castes, the Scheduled Tribes and the persons living below poverty line, should also be extended to the small farmers belonging to the general category. The other works such as hedging and wire fencing should also be added in the Act.

Under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, safai karmcharis should be deployed in villages for the cleanliness drive and they should be given payment under the Act so that the people belonging to the village itself get engaged in the cleanliness drive in the village.

The provisions of this Act should be implemented in such a way as would enhance the efficacy of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 and benefit the poor families.

Hence this Bill.

NEW DELHI;

SUKHBIR SINGH JAUNAPURIA

June 30, 2017.

BILL NO. 153 OF 2017

A Bill further to amend the National Rural Employment Guarantee Act, 2005.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Mahatma Gandhi National Rural Employment Guarantee (Amendment) Act, 2017. Short title, and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
section 22.

2. In section 22 of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (hereinafter referred to as the principal Act), in sub-section (1), after clause (a), the following proviso shall be inserted, namely:—

42 of 2005

"Provided that in case of engagement of unskilled manual worker for any agricultural operation or activity by a farmer, fifty per cent. wages shall be paid by the Central Government and the remaining fifty per cent. by the farmer concerned."

Amendment of
the Schedule I.

3. In schedule I of the Principal Act, in para 1B, after sub-para (x), the following sub-para shall be inserted, namely:—

"(xa) agricultural operations or activities by unskilled workers;"

STATEMENT OF OBJECTS AND REASONS

Now a days it has been observed that workers are not available for farming during agriculture season. The Mahatma Gandhi National Rural Employment Guarantee (MGNREGA) Scheme formulated under the MGNREGA Act, 2005, though helped the poor to some extent but is causing some inconvenience particularly to the farmers. They are facing trouble during agricultural season because of MGNREGA scheme as most of the workers are engaged under the scheme for non-agricultural activities. There is also a hue and cry among the farmers due to the scarcity of labour force in agricultural operations.

In order to make MGNREGA Scheme more useful and productive to the agricultural operations, there is an urgent need to dovetail agricultural operations with the MGNREGA Scheme by including thereunder the permitted activities under the Act. If implemented, it will not only help farmers in timely agricultural operations, but also ensure employment to the weaker sections of the society.

Hence this Bill.

NEW DELHI;
July 2, 2017.

BALKA SUMAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for engagement of unskilled manual work to any agricultural operation or activity by a farmer under the Mahatma Gandhi National Rural Employment Guarantee (MGNREGA) Scheme. It also provides for payment of fifty per cent of wages by the Central Government and the remaining fifty per cent by the farmer concerned. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees five hundred crore per annum is likely to be involved.

No non-recurring expenditure is likely to be involved.

BILL NO. 137 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by the Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2017.

Insertion of
new article
28A.

2. After article 28 of the Constitution, the following new article shall be inserted, namely:—

Hindu
Religious
Education in
certain
educational
institutions.

"28 A. (1) Notwithstanding anything in this Constitution, until Parliament by law otherwise provides, religious education related to Hindu religion shall be imparted

in an educational institution wholly maintained out of State Funds, if majority of the students studying in that institution are Hindus:

Provided that such religious education shall not be compulsory for non-Hindu students studying in such institution:

Provided further that no Hindu student studying in such institution shall be compelled to such religious education.

(2) Nothing in clause (1) shall apply to an educational institution which is administered by the State but has been established under any endowment or trust which requires that religious instruction shall be imparted in such institution.

(3) No person attending an educational institution recognised by the State or receiving aid out of State funds shall be required to take part in Hindu religious instruction that may be imparted in such institution or to attend such religious worship as may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian, has given his consent thereto."

STATEMENT OF OBJECTS AND REASONS

Religious education is needed for all. Introduction of religious education as a subject can prove effective remedy against deteriorating morality among students. It is said that religious books like 'Gita', etc. are the essence of life. Every person should study it for the upliftment of his life. "Gita" inspires us from escapism to efforts. It is the best way to face the situation of challenges with cool mind. This instruction is applicable to all the persons in this world. Therefore, it is imperative for children to imbibe the morals of the 'Gita'.

Moreover, students belonging to minority community get their religious education through their minority institutions but majority of Hindu students are devoid of it so far.

The Bill, therefore, seeks to insert a new article 28A to the Constitution with a view to provide for imparting of Hindu religious education to Hindu students in State funded institutions.

NEW DELHI;
July 3, 2017.

OM BIRLA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for imparting of religious education related to Hindu religion to Hindu students in an institution wholly maintained out of the State funds. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give exact expenditure to be involved on this account. However, it is estimated that an annual recurring expenditure of about rupees two hundred crore is likely to be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

BILL NO. 132 OF 2017

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2017. Short title.

C.O. 19

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in Part VIA.— Amendment of the Schedule.
Jharkhand,—

(i) after entry 7, the following entry shall be inserted, namely:—

"7A. Dandachhatra Majhi"; and

(ii) after entry 16, the following entry shall be inserted, namely:—

"16A. Mal, Malla Kshatriya".

STATEMENT OF OBJECTS AND REASONS

In pursuance of article 341 of the Constitution, the list of Scheduled Castes was first notified in 1950, and thereafter it has been amended from time to time on various occasions. The persons belonging to the Scheduled Castes who have migrated to other States are being deprived of benefits of reservation in services in those States, as their caste is not recognized as Scheduled Caste in the States to which they have migrated.

The persons belonging to the Dandachhatra Majhi, Mal and Malla Kshatriya castes are residing in the districts of Bahargoda and Chakulia in the State of Jharkhand, in the districts of Purulia and Midnapur in the State of West Bengal and some of the districts in the State of Odisha. In the States of West Bengal and Odisha, the persons belonging to the above mentioned castes are availing the benefits of reservation as these castes have been included in the list of Scheduled Castes in these States. However, the persons belonging to these castes residing in the State of Jharkhand are in general category and deprived of such facilities. The population of these castes are around fifty thousand in Bahargoda and Chakulia districts in the State of Jharkhand.

The persons belonging to Dandachhatra Majhi, Mal and Malla Kshatriya castes are economically, socially and educationally backward. In order to eliminate the backwardness and for economic, educational and social advancement of persons belonging to this community, affirmative action on the part of the State is required by providing them reservation in services under the State.

The Bill, therefore, seeks to include Dandachhatra Majhi, Mal and Malla Kshatriya castes in the list of the Scheduled Castes in respect of the State of Jharkhand with a view to enable them to avail all benefits, including reservation in services under the State, as are available to persons belonging to the Scheduled Castes.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 3, 2017.

BIDYUT BARAN MAHATO

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for including the persons belonging to Mal, Malla Kshatriya and Dandachhatra Majhi castes in the list of Scheduled Castes in respect of the State of Jharkhand. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore per annum will be involved.

No non-recurring expenditure is likely to be involved.

BILL NO. 121 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 84 of the Constitution, for clause (b), the following clause shall be substituted, namely,—

Amendment of
article 84.

“(b) is, in the case of a seat in the Council of States, not less than twenty-eight years of age and, in the case of a seat in the House of the People, not less than twenty-one years of age; and”.

STATEMENT OF OBJECTS AND REASONS

The minimum age of voting in the country is eighteen years, which means that a person of eighteen years of age is mature enough to select a candidate from his or her constituency in the interest of the country. Some surveys indicate that youth is observing some sort of indifference towards active politics. Though our country has approximately sixty five per cent population below the age of 35 years, less than ten per cent youth represent house of the People or the Council of States. By the year 2020, India would be the country with maximum youngest population in the world. On the contrary, the average age of members of Parliament is above sixty years. It is, therefore, necessary that the youth get adequate representation in nation building.

If the minimum age limit for contesting an election is reduced, the youth will be encouraged to take part in elections. It will also contribute to a healthy communication between youth and politicians. If the youth are encouraged, they can play a defining role in the development of the country.

The Bill, therefore, seeks to amend article 84 of the Constitution with a view to redule the qualifying age for being chosen as a Member of the House of the People and the Council of States.

Hence this Bill.

NEW DELHI;
July 3, 2017.

OM BIRLA

BILL NO. 142 OF 2017

A Bill to identify and support the children with learning disabilities in education and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Children with specific Learning Disabilities (Identification and Support in Education) Act, 2017.

Short title, extent
and
commencement.

(2) It extends to the whole of India except the State of Jammu & Kashmir.

(3) It shall come into force on such date as the Central Government may, by notifications in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means,—

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government or a Cantonment Board constituted under the Cantonments Act, 2006, the Central Government.

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government or any local authority other than a Cantonment Board, the State Government.

(b) “educational institution” includes a private educational institution.

(c) “dyscalculia” means a learning disability characterized by difficulty in mathematics.

(d) “dysgraphia” means a learning disability characterized by difficulty with the act of writing both in the technical as well as the expressive sense including difficulty with spelling.

(e) “dyslexia” means a learning disability that affects a person's ability to acquire, process and use either spoken, written or nonverbal information including organization and planning, functional literacy skills, memory, reasoning, problem solving and perceptual skills or in other words, difficulty with language in its various uses including reading.

(f) “dyspraxia” means a learning disability that affects the person's ability to plan motor tasks and to make an appropriate body response.

(g) “in service” means in service of any institution run or managed by the Central or State Government or run or managed with the aid of Central or State Government.

(h) “prescribed” means as prescribed by the rules made under this Act.

(i) “specific learning disability” means a disorder in one or more of the basic psychological process involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations and includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, dyspraxia, dyscalculia, dysgraphia and development aphasia, but does not include a learning problem that is primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantages.

Annual Survey on persons with specific learning disabilities.

3. (1) The appropriate Government including local self Governments shall conduct an annual survey to identify the number of persons with specific learning disabilities, the nature of facilities and assistance provided to them and the extent to which they are benefitted.

(2) The manner of conduct of survey, qualification of personnel involved in survey, maintenance of records and publication of reports shall be such as may be prescribed.

Mass awareness campaign.

4. The appropriate Governments including local self Governments shall,—

(i) conduct mass awareness campaigns to create awareness in the community regarding Special Learning disability, its causes and prevention, treatment and remedial measures;

(ii) sponsor or cause to sponsor awareness campaigns and disseminate or cause to be disseminated information on learning disabilities;

(iii) educate the public through the pre-schools, schools, primary health centres, village level workers and anganwadi workers about specific learning disabilities, their causes and remedial measures;

(iv) create awareness amongst the masses through television, radio and other mass media; and

(v) promote research in specific learning disabilities.

Setting up of teacher training Institutions.

5. The appropriate Governments shall,—

(i) set up adequate number of teachers training institutions and assist the national institutes and other voluntary organizations to develop teachers training programmes specializing in specific learning disabilities;

(ii) improve the teacher education programmes to incorporate specific learning disabilities, its theory and practices within the curriculum of teacher education.

(iii) ensure that newly inducted teachers attend at-least one-month mandatory training in inclusive education, with special focus on specific learning disabilities.

(iv) provide adequate training to the regular teachers in service, in inclusive education with special focus on specific learning disabilities; and

(v) train the teachers and staff in anganwadis to facilitate early detection of specific learning disabilities.

6. (1) Every educational institution shall be equipped with a resource room and a special educator trained in specific learning disabilities and where special educator trained in such disabilities is not available, a person trained in special education shall be appointed.

Special facilities in educational institutions.

(2) The facilities of the resource room and qualification of the special educator shall be such as may be prescribed.

(3) Every educational institution shall endeavor to detect specific learning disabilities in children at the earliest.

(4) Where a child is suspected with specific learning disability, a detailed evaluation of the child including his socio-economic background and family background shall be conducted and the child may be referred to a clinical psychologist or a Learning Disability Detection and Remediation Centre set up under section 7 to detect if, he is suffering from a specific learning disability.

(5) Where a child is detected with a specific learning disability, an Individualised Education Plan shall be formulated for the child depending on the specific needs of the child by a team consisting of the Principal of the school, the class teacher of the child another teacher, special educator, the parents of the child and the child himself.

(6) The child may be referred to a Learning Disability Detection and Remediation Centre set up under section 7 for specialized support, if found necessary.

(7) The individualized Education Plan shall be periodically revised, and the progress of the child shall be closely monitored in terms of attainment levels and completion of education.

7. (1) The State Government shall set up adequate number of Learning Disability Detection and Remediation Centres in every district to train and equip children with specific learning disabilities who require specialized training.

Setting up of Learning Disability Detection and Remediation Centre.

(2) There shall be at least one Learning Disability Detection and Remediation Centre in every district.

(3) The District Learning Disability Detection and Remediation Centres shall provide specialized training to children with specific learning disabilities, assist the schools in the concerned district to set up resource rooms, provide training and support to the regular teachers in dealing with children with specific learning disability.

(4) The District Learning Disability Detection and Remediation Centres may also offer practical courses in dealing with children with specific learning disabilities for parents and teachers subject to regulations as may be prescribed by appropriate government.

(5) The appropriate Governments may distribute to every educational institution the learning materials including special text books and teaching aids for the children with specific learning disability through the District Learning Disability Detection and Remediation Centres.

(6) The manner in which Learning Disability Detection and Remediation Centres shall be set up or recognized, constitution, structure and function shall be such as may be prescribed.

Establishment of National and Regional Centres for specific learning disabilities.

8. (1) The Central Government shall establish a National Centre for specific Learning Disabilities to provide leadership, public awareness and grants to support research and innovative practices in specific learning disabilities.

(2) The appropriate Government may establish Regional Centres for specific Learning Disabilities at the State and District Level.

(3) The manner in which the National and Regional Centres for specific learning disability shall be set-up, constitution, structure and function shall be such as may be prescribed.

Guidelines for Certification of Children with learning disabilities.

9. (1) The Central Government shall frame guidelines for certification of children with specific learning disabilities.

(2) The Central Government shall lay down qualifications for certifying authorities of children with specific learning disability.

(3) The appropriate Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of specific learning disability.

Curriculum and examination system for children with specific learning disabilities.

10. (1) The appropriate Governments shall make suitable modifications in the curriculum and examination system to meet the needs of the children with specific learning disabilities.

(2) Notwithstanding and without prejudice to any other concessions provided to the children with specific learning disabilities in examinations, the appropriate Governments shall ensure that the children with specific learning disabilities are provided the following concessions—

- (a) twenty five percent extra time for completion of the examination paper;
- (b) facility of scribe or amanuensis when ever necessary;
- (c) oral test to be conducted along with written tests up to class IX and promotion to the next class on the average of both;
- (d) standards of arithmetic to be relaxed as per the level of the child;
- (e) use of calculators to be allowed;
- (f) errors of interchanging of computation signs and number reversal to be ignored;
- (g) exemption from second and third language;
- (h) alternate subjects like home science and electronics to be made available;
- (i) spelling or grammar errors and incorrect sentence construction shall be ignored;
- (j) direction errors in geography and other subjects shall be ignored;
- (k) exemption from diagrams, charts and graphs; and
- (l) such other concessions as may be prescribed.

Employment of persons with specific learning disabilities.

11. The appropriate Governments and local authorities shall by notification in the official gazette formulate schemes for ensuring employment of persons with specific learning disabilities and such schemes shall include training and welfare of persons with specific learning disability, relaxation of upper age limit, and schemes promoting self employment.

Central Government to provide funds.

12. The Central Government shall, after due appropriation made by parliament, by law, in this behalf, provide adequate funds to the state Governments for carrying out the purposes of this Act.

13. (1) Whoever fraudulently avails or attempts to avail any benefit meant for persons with Specific learning disabilities, shall be punishable with imprisonment for a term which may extend up to two years or with fine which may extend to one lakh rupees or with both.

Punishment for availing benefits meant for persons with learning disabilities.

(2) Whoever assists or facilitates the commission of the offence under sub-section (1) shall be punishable with imprisonment of two years or with a fine which may extend to one lakh rupees or with both.

(3) The appropriate Government shall report the names of the registered medical practitioners who have been convicted of the offence under sub-section (2) to the respective State Medical Council for taking necessary action including removal of his name from the register of the Council for a period of two years for the first offence and permanently for the subsequent offence.

(4) Any Principal or teacher of a school convicted under sub-section (2) shall also be liable to face the appropriate disciplinary action including suspension or removal from service.

(5) No person shall be punished under sub-section (1) or (2) for an act done by them in good faith or intended to be done in pursuance of this Act and any rules or orders made thereunder.

14. Without prejudice to the provisions of section 13, the appropriate Government on the application of any aggrieved person or otherwise shall look into complaints with respect to matters relating to,—

Complaint mechanism

(a) deprivation of rights of persons with specific learning disabilities; and

(b) non-implementation of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued for the welfare and protection of rights of persons with specific learning disabilities.

15. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.

16. The provisions of this Act shall be in addition to and not in derogation of the provisions in any other law, for the time being in force.

Act not in derogation of only other law.

17. (1) The appropriate Governments may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Children with learning disability are a disadvantaged section of the society. There is no law or policy in this context at present. There has not been a systematic study to gauge the prevalence of learning disabilities in India, though, isolated studies by independent researchers and organizations estimate that fourteen percent of all the school children suffer from learning disabilities. It is a matter of concern that adequate research and funds have not been channelized to address this particular issue. Further, there is gross lack of awareness of learning disability among the parents, teachers and the community which results in branding of children as lazy or uninterested.

A specific learning disability affects the ability to learn and use certain skills, *e.g.*, reading, writing, listening, speaking, reasoning, directing attention, doing mathematical calculations and coordinating movements. The common forms of specific learning disabilities are: dyslexia (difficulty in reading), dysgraphia (difficulty in writing) and dyscalculia (difficulty in mathematics). It may affect a single skill or combination of skills. Learning disability is distinct from mental retardation, and many a times, those suffering from such disabilities may have near normal, normal or superior intellectual ability, but the cognition, memory, motor activity and brain function of such children might be different from other individuals. Many great personalities like Thomas Alwa Edison and Albert Einstein were once discarded by the school system as failures.

The major challenge in identification of children with specific learning disabilities is the invisibility of their condition. The teachers, parents and peers often regard them as a slow learners or a failure, or attribute to them laziness or attitude. The diverse socio-cultural and economic conditions of the country make it a further complicated exercise. If the children with specific learning disabilities are identified at an early age, they can be accommodated into the mainstream by providing appropriate and specialized training. Further, new centres should be opened to train and equip such children and the teachers and parents should also be trained to deal with them. The curriculum and assessment methods have to be restructured to accommodate the children with specific learning disabilities or appropriate concessions should be given to them.

Hence this Bill.

NEW DELHI;
July 3, 2017.

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for conducting annual survey to detect the number of persons affected with specific learning disability. Clause 4 provides for conducting mass awareness campaigns. Clause 5 provides for setting up of teacher training institutions. Clause 6 provides for special facilities in educational institutions. Clause 7 provides for setting up of Learning Disability Detection and Remediation Centres. Clause 8 provides for setting up a National Centre for specific Learning Disabilities. Clause 11 provides for employment of persons with specific learning disabilities. Clause 12 provides for the Central Government to provide funds to the State Governments. The Bill, if enacted, will involve recurring expenditure from the Consolidated Fund of India to the tune of rupees five hundred crore per annum. A non-recurring expenditure of one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

BILL NO. 133 OF 2017

A Bill to provide for the compulsory health insurance for the senior citizens, mentally retarded children and persons with disability to be funded by the Government and for free of cost treatment of insured persons by all hospitals including private hospitals and clinics, etc. and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Health Insurance for Senior Citizens, Mentally Retarded Children and Persons with Disabilities Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State the Government of that State and in all other cases, the Central Government;

(b) "beneficiary" means a disabled person, senior citizen or mentally retarded child who has been given health insurance under this Act;

(c) "child" means a human being irrespective of gender who has not attained the age of twenty years;

(d) "disabled person" means a person suffering from not less than forty per cent of any physical disability as certified by a competent medical authority and whose monthly income from all sources is not more than twenty thousand rupees;

(e) "mentally retarded child" means a child with a condition of arrest or incomplete development of mind which is specially characterised by subnormality of intelligence;

(f) "person with disability" shall have the same meaning as assigned to it in clause (s) of section 2 of the Rights of Persons with Disabilities Act, 2016;

49 of 2016.

(g) "prescribed" means prescribed by rules made under this Act;

(h) "Scheme" means Health Insurance Scheme framed under section 3; and

(i) "senior citizen" means a male, female or a transgender who has completed the age of sixty years.

Comprehensive
Health
Insurance
Scheme for the
senior citizens,
mentally
retarded
children and
disabled
persons.

3. (1) The Central Government shall, as soon as may be, but within one year of the commencement of this Act, by notification in the Official Gazette, formulate a Comprehensive Health Insurance Scheme for the senior citizens, mentally retarded children and persons with disability.

(2) The appropriate Government shall pay the premium of health insurance payable by the senior citizens, mentally retarded children and persons with disability to the insurer for providing healthcare services to the beneficiaries covered under the provisions of this Act in such manner as may be prescribed.

Free Health
care facilities.

4. (1) Notwithstanding anything contained in any other law for the time being in force, every beneficiary covered under this Act, shall be entitled to healthcare facilities, free of cost from all the hospitals including Government and privately owned hospitals, nursing homes and clinics, as may be specified by the appropriate Government, from time to time;

(2) The free healthcare facilities referred to in sub-section (1) shall include:—

(a) consultation with physicians and specialists;

(b) out patient and indoor treatment;

(c) diagnostic and laboratory services of all kinds;

(d) all kinds of surgeries;

(e) medicines;

(f) blood transfusing and such other facilities; and

(g) such other treatments and provisions as may be prescribed.

Public sector
insurance
companies to
make
payments to
hospitals.

5. (1) Notwithstanding anything contained in any other law for the time being in force, the public sector insurance companies shall enter into agreement with privately owned hospitals make payments to such hospitals at such rates as may be agreed to upon by the Public sector insurance companies and the hospitals for providing healthcare facilities free of cost to the beneficiaries covered under this Act.

(2) The public sector insurance companies which have entered into an agreement with private hospitals under sub-section (1), may either themselves or through an agency designated in that behalf inspect the hospitals from time to time to ensure that provisions of this Act are effectively complied with and if, it is found that any private hospital does not comply with the provisions of this Act, such hospital shall be blacklisted and shall also be liable to pay such compensation, as may be prescribed.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide in each financial year requisite funds to the Government of the States and public sector insurance companies for the implementation of the provisions of this Act.

Central Government to provide funds.

7. The provisions of this Act and rules made thereunder shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Act to supplement other law.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are millions of senior citizens, disabled persons and mentally retarded children in our country who do not have access to adequate and good quality healthcare facilities. Their number is continuously increasing. The general insurance companies do not insure them. Senior citizens after completing the age of sixty five years are not insured for health cover by the private sector insurance companies. Public sector insurance companies have recently started insuring senior citizens irrespective of age but majority of senior citizens are out of the ambit of health insurance whereas at this juncture of their lives they need the health cover the most. Similarly mentally retarded children and disabled persons have to depend on others for many things including the healthcare facilities. The families of disabled persons and mentally retarded children are forced to bear huge costs beyond their means for the healthcare.

Hence, it has become necessary for the Government to take sole responsibility to provide health insurance and healthcare facilities to senior citizens, disabled persons and mentally retarded children.

Hence this Bill.

NEW DELHI;
July 4, 2017.

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for formulation of a Comprehensive Health Insurance Scheme for the senior citizen, mentally retarded children and persons with disabilities. Clause 4 provides for free healthcare facilities. Clause 7 makes it obligatory for the Central Government to provide requisite funds for the purposes of this Bill. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two lakh crore may involve as recurring expenditure per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matter of details only, the delegation of legislative power is of a normal character.

BILL NO. 144 OF 2017

A Bill to provide for adequate dwelling house to the families living below poverty line or falling under low income group in the country by providing one free of cost or at such reasonable cost and providing interest free loans to families in low income group for purchase of house and for matter connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India.

1. (1) This Act may be called the Right to Adequate Housing Act, 2017.

(2) It shall extend to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Committee” means Monitoring and Grievance Redressal Committee constituted under section 8;

(b) “dwelling house” means a house comprising of at least one living room, one bed room, one kitchen and one toilet with electricity, water and sanitation facilities;

(c) “Fund” means House Building Fund Constituted under section 7;

(d) “families living below poverty line” means those families who are declared by the Central Government to be living below poverty line; and

(e) “prescribed” means prescribed by rules made under this Act.

Central Government to provide dwelling house to families living below poverty line.

3. (1) The Central Government shall, by notified in the Official Gazette, within period of five years from the commencement of this Act, provide free of cost, all-weather dwelling house to each family living below poverty line in the country:

Provided that while providing the dwelling house the Central Government shall take into account the number of members in the family.

(2) For the purposes of sub-section (1), the Central Government shall, in consultation with the concerned State Government or Union territory Administration as the case may be, cause to be notified a list of all families living below poverty line in each State and Union territory in such manner as may be prescribed.

(3) The priority of allotting the dwelling house in a State or Union territory shall be determined by draw of lot to be conducted in such manner as may be prescribed.

Central Government to provide dwelling house at fifty per cent of the cost.

4. (1) The Central Government shall, within a period of seven years from the commencement of this Act, provide dwelling house at fifty per cent of the cost to each family having an annual income of less than rupees five lakh:

Provided that while providing the dwelling home the Central Government shall take into account the number of members in the family.

(2) For the purpose of sub-section (1), the Central Government shall,

(i) in consultation with the State Government or Union territory Administrative Administration as the case may be, cause to be notified a list of all families having an annual income less than rupees five lakh in each State and Union territory in such manner as may be prescribed; and

(ii) provide interest free loans to the family to pay the cost of the house in such manner as may be prescribed.

(3) The priority of allotting the dwelling house in a State or Union territory under this section shall be determined by the draw of lot to be conducted in such manner as may be prescribed.

Central Government to maintain the dwelling unit.

5. (1) The Central Government shall, after every four years, undertake the maintenance of the dwelling unit given under section 3 to the families living below poverty line and charge such nominal amount for the purpose as may be prescribed.

(2) The Central Government shall, after every four years, undertake the maintenance of the dwelling house given under section 4 of families whose annual income is less than rupees five lakh and charge fifty per cent of the maintenance cost.

Succession of dwelling unit.

6. The Central Government shall ensure that on the death of the head of a family living below poverty line or earning less than rupees five lakh annually, the title of the dwelling unit shall pass on to the dependant family members.

House Building fund for poor and below poverty line families.

7. (1) The Central Government shall, by notification in the Official Gazette, establish a Fund to be known as the House Building Fund for poor and families living below poverty line for the purpose of this Act.

(2) There shall be credited to the fund,—

- (a) amounts received from the Central and the State Government as grant-in aid; and
- (b) donations received from private individuals and Organisations.

8. (1) The Central Government shall, by notification in the Official Gazette, establish a Committee to be known as the Monitoring and Grievance Redressal Committee to augment and make effective, the process of providing dwelling houses to the poor and families living below poverty line and redressal of their grievances.

Monitoring
and Grievance
Redressal
Committee.

(2) The Committee shall consist of,—

- (i) a retired judge of Supreme court—Chairperson;
 - (ii) Secretary Ministry of Housing and Urban Poverty Alleviations, Central Government—member;
 - (iii) two eminent persons having experience in working for poor and below poverty line families—members;
 - (iv) four Secretaries of Housing Department, State Governments to be nominated on rotational basis—members,
to be appointed by the Central Government in such manner as may be prescribed.
- (3) The salary and allowances payable to and other terms and conditions of Services of Chairperson other members of the Committee shall be such as may be prescribed.
- (4) The Ministry of Housing and Urban Poverty Alleviation shall provide secretarial assistance to the Committee.

9. The Committee shall,—

- (i) suggest ways to augment the process of providing housing to poor and families living below the poverty line;
- (ii) receive and redress grievances of the people in respect of their right to housing under this Act;
- (iii) suggest, from time to time, the specification that may be adopted while constructing the houses for poor and families living below the poverty line; and
- (iv) perform such other functions as may be prescribed.

Functions of
the Committee.

10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no such orders shall be made after expiry of the period of three years from the date of commencement of this Act.

11. The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, providing homes to families living below poverty line and to families earning less than rupees five lakh per annum.

Act to have
effect in
addition to
other Acts.

12. (1) The Central Government may, by notification in the official Gazette make rules to carry out the provisions of this Act.

Power to make
rules.

(2) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Housing forms an indispensable part of ensuring human dignity. Adequate housing encompasses more than just four walls of room and roof over one's head. Housing is essential for normal healthy living. It fulfils deep seated psychological needs for privacy and personal space; physical needs for security and protection from inclement weather. Article 25 of the Universal Declaration of Human Rights recognizes the right to housing as part of right to adequate standard of living. Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) also guarantees the right to housing as part of the right to an adequate standard of living. Besides, the right to adequate housing is also recognized internationally in several other instruments that have focussed on the need to protect rights of particular groups such as Convention on the Elimination for all forms of Discrimination Against Women (CEDAW), Convention on the Right of the Child (CRC) and the International Convention on Elimination of Racial Discrimination (CERD). India as party to international covenants has obligation to provide adequate housing to its citizens.

Supreme Court in various judgements such as *Olga Tellis Vs. Bombay Municipal Corporation* (1985) 3 SCC 545; *Shantistar Builders Vs. Narayan Khimalal Totame* (1990) 1 SCC 520; *Chameli Singh Vs. State of UP* (1996) 2 SCC 549; *PG Gupta Vs. State of Gujarat* (1995) Supp (2) SCC 182, *Ahmadabad Municipal Corporation Vs. Nawab Khan Gulab Khan and Others* (1997) 11 SCC 121, has elaborated on the right to adequate housing, shelter and livelihood being part of all encompassing right to life under article 21 of the Constitution. Increasing disparity in income has also led to the homelessness in our country. While some people live in palaces or big houses, some don't even have access to a shelter. The housing with its rising cost has become unaffordable. According to an estimate, there are around fifteen crore homeless people in India. These homeless people face vagaries of weather from chilling cold in winters to heat waves during summer. Many of these homeless people die every year. Most of these homeless persons are poor or live below the poverty line. Adequate housing is also necessary for protection of childhood as homeless child is invariably subjected to child abuse and crime. Still lakhs of persons particularly living below the poverty line or falling within low income group are not having roof over their heads and living in sub-human conditions on pavements, *Bastis*, *Jhuggi-Jhopri* and unauthorised slums. It is the Government's obligation to guarantee that everyone can exercise this right to live in security, peace and dignity. Therefore, it is felt that the Government should provide at least one dwelling house to each family living below poverty line free of cost. Further, the persons falling within low income group should also be given one dwelling house at fifty percent of the cost of construction. Since, poor families cannot afford to pay a lump sum amount to purchase house. It also proposed that they should be given one time interest free loans for the purpose.

Hence, this Bill.

NEW DELHI;
July 3, 2017.

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the families living below poverty line shall be provided a dwelling unit free of cost. Clause 4 provides that families earning below rupees five lakh shall be given a dwelling unit at fifty percent of the cost. Clause 5 provides that Central Government shall also undertake the maintenance of these dwelling units. Clause 7 provides that Central Government shall also contribute to the House Building Fund. Clause 8 provides for establishment of a Monitoring and Grievance Redressal Committee. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. However, at this stage it is difficult to estimate the recurring Consolidated Fund of India expenditure that may be required from as the same will depend on the number of eligible persons for housing and the decision of the Central Government on the number of housing units to be constructed every year. A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of legislative powers is of normal character.

BILL NO. 141 OF 2017

A Bill provide further to amend the All India Services Act, 1951.

BE it enacted by the Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the All India Services (Amendment) Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new section
3A.

2. After section 3 of the All India Services Act, 1951, the following section shall be inserted, namely:— LXI of 1951.

"3A. (1) Notwithstanding anything contained in section 3, the Central Government shall, in consultation with the State Government concerned and parent Department or Ministry, as the case may be, ensure periodic review of officers appointed to the All India Services on completion of five years of tenure through a procedure to be conducted by the Union Public Service Commission in such manner as may be prescribed:

Periodic review
of members of
All India
Services.

Provided that if the periodic review has not been conducted after five years of service in respect of a member, such review may be conducted at any other time as the Central Government may deem fit.

Explanation.—For the purposes of this section, the term "periodic review" shall mean the review of the entire service record including the Annual Confidential Report (ACR) of the member of All India Services regarding suitability or otherwise of such member for further retention in the Service, to be conducted regularly for each member of such Services.

(2) The Central Government, after consultation with the Union Public Service Commission and on conclusion of the periodic review of members of the All India Services as specified under sub-section (1), may recommend for the bottom fifteen *per cent.* members from each batch of the All India Services—

(a) the dismissal or pre-mature retirement of five *per cent.* bottom members of the All-India Services from each batch; or

(b) administrative training, for the ten *per cent.* members who have achieved a higher rank than the bottom five *per cent.* members, which includes and is not limited to, sending the members for a compulsory career training program for a period of at least six months at the Academy concerned in such manner as may be prescribed.

(3) The Central Government after consultation with the Government of the State concerned, Union Public Service Commission and the parent Department or the Ministry, as the case may be, by notification in the Official Gazette, make rules for regulating the manner and procedure for the conduct of periodic review of members of All India Services.

(4) The Central Government after consultation with the Director of Academy concerned and Union Public Service Commission frame guidelines on the method and evaluation of administrative training as provided under clause (b) of sub-section (2)."

STATEMENT OF OBJECTS AND REASONS

For creating smooth administrative machinery, there is a need of effective accountability standards. The members of the All India Services are a vital cog in the wheel of development of India. They are selected through a rigorous method of examination and are entrusted with the responsibility of development at district, State, national as well as international level. The need is to weed out the deadwood in order to maintain a high standard of efficiency and initiative in the All India Services. It is not necessary that a good officer may continue to be efficient for all times to come. It may be that there may be some officers who may possess a better initiative and higher standard of efficiency and if given change the work of the Government might show marked improvement.

There are a number of judicial pronouncements in support of total assessment of the performance of the members of the All India Services. There have also been observations that have approved any measure by which the assessment by superiors, with an opportunity to watch the work and conduct of an officer, is taken into account while deciding about premature retirement. It is sometimes found that a few members of the All India Services do tend to become mere passengers in the post or at the level in which a member is placed for the time being. They become either stale or listless or do not exhibit any creativity or innovativeness and do not achieve the desired results. In some other cases, information may be available which casts grave doubt upon the integrity of a members. The need is to strike a just balance between the termination of the completed career of a tired employee and maintenance of top efficiency in the diverse activities of administration.

The Bill, therefore, seeks to amend the All India Services Act, 1951 with a view to provide for periodic review of members of All India Services on completion of five years of tenure. It also provides for dismissal or pre-mature retirement of bottom five *per cent.* of members at the periodic review and compulsory training to the other bottom ten *per cent.* members who have achieved a higher rank than the bottom five *per cent.* members of All India Services at Academy concerned.

Hence this Bill.

NEW DELHI;
July 4, 2017.

RAJEEV SATAV

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers the Central Government make rules for regulating the manner and procedure for the conduct of periodic review of members of All India Services. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 182 OF 2017

A Bill further to amend the Prevention of Corruption Act, 1988.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Corruption (Amendment) Act, 2017. Short title.

49 of 1988.

2. In section 17 of the Prevention of Corruption Act, 1988 (hereinafter referred to as the principal Act), the following proviso shall be added at the end, namely: Amendment of section 17.

"Provided also that a police officer investigating into an offence referred to in clause (e) of sub-section (1) of section 13 shall compulsorily inquire into and, as far as possible, find out the sources of and the manner of acquiring the pecuniary resources

or property disproportionate to the known sources of income of a public servant and the extent of role of other public servants in commission of such offence."

Amendment of
section 19.

3. In section 19 of the principal Act, in sub-section (1), the following proviso shall be added at the end, namely:—

"Provided that where a decision regarding granting or withholding the previous sanction is not taken within a period of four months from the date of seeking previous sanction, the previous sanction shall, after the expiry of the said period, be deemed to have been given by the Central Government or the State Government or the competent authority, as the case may be."

STATEMENT OF OBJECTS AND REASONS

At present, corruption is the biggest problem afflicting our country. It is difficult to assess the extent of damage that corruption has done to our country. Corruption devalues human rights and hampers growth. It is urgently required to put in place the strongest possible laws to check corruption. At the same time, it is also equally important that these laws are implemented in an effective manner. Increase in quantum of punishment to and fine on people involved in corruption will be a step in that direction.

In various raids conducted during the past few years, some public servants including those belonging to group 'C' and 'D' categories have been found to have amassed crores of rupees which is beyond their known sources of income. These assets are alleged to have been acquired through illegal gratifications. Thus, a provision should be made in the Act to find out how and from where such assets were acquired by the public servants. Obtaining prior sanction from the competent authority to initiate the process of prosecution against public servants accused of corruption is a major stumbling block. There is a popular perception in the country that necessary effort must be made to prevent corruption. It is therefore, necessary that the process of sanctioning prosecution should be completed within a stipulated time frame.

Hence this Bill.

NEW DELHI;
July 5, 2017.

SUNIL KUMAR SINGH

BILL NO. 183 OF 2017

A Bill to provide for the establishment of an Agricultural Produce Price Fixation Board to fix the remunerative support price of agricultural produce including fruits and vegetables on annual and seasonal basis and timely intervention by the Government at the time of steep fall in prices of such produce in the open market and for matters connected there with or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

- | | |
|-------------------------|--|
| Short title and extent. | 1. (1) This Act may be called the Agricultural Produce (Remunerative Support Prices and Miscellaneous Provisions) Act, 2017. |
| | (2) It extends to the whole of India. |
| Definitions. | 2. In this Act, unless the context otherwise requires,—
(a) "agricultural produce" includes wheat, paddy, pulses, sugarcane, cotton, oil seeds, coarse grains like maize, millet, jowar, bajra, gram, soyabean, fruits and |

vegetables such as potato, onion, tomato, cauliflower, cabbage including such other agricultural or horticultural produce which are used for human consumption or for any medicinal purposes;

(b) "appropriate Government" means in the case of a State, the State Government and in all other cases, the Central Government;

(c) "Board" means the Agricultural Produce Price Fixation Board constituted under section 3;

(d) "Government agency" includes any agency of the Government by whatever name called or which receives grants from the Government and which is engaged in procurement, distribution and canalising agricultural produces; and

(e) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, as soon as may be, but not later than six months from the date of commencement of this Act, by notification in the Official Gazette, constitute a Board to be known as Agricultural Produce Price Fixation Board.

Constitution of
an Agricultural
Produce Price
Fixation Board.

(2) The headquarters of the Board shall be at Ranchi in the State of Jharkhand.

(3) The Board shall consist of:—

(a) A Chairperson and a Deputy Chairperson having relevant educational qualifications and experience in field of agriculture, to be appointed by the Central Government;

(b) one member from each zonal office of the Board;

(c) one member each to represent the Union Ministries dealing with Agriculture, Consumer Affairs, Food and Public Distribution, Food Processing Industries and Chemicals and Fertilisers;

(d) one member to represent the Indian Council of Agricultural Research;

(e) four members to be appointed by the Central Government from amongst the farmers and agricultural labourers, in rotation from different States; and

(f) four members of Parliament, of whom two shall be from Lok Sabha and two from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses.

(4) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose off property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(5) The Board shall set up one zonal office each in the eastern, western, northern, north eastern, central and southern parts of the country comprising of such States and Union territories, as may be determined by the Board and each zonal office shall consist of such number of members as may be prescribed.

(6) The term of office of the Chairperson, Deputy Chairperson and the manner of filling vacancies and the procedure to be followed in the discharge of their functions shall be such as may be prescribed.

4. (1) The Board shall —

Functions of the
Board.

(i) fix and declare minimum remunerative support prices of agricultural produce before every sowing season after examining the recommendations of all the zonal offices:

Provided that different prices may be fixed for different produce and for different zones;

(ii) fix the issue prices of foodgrains for retail sale to consumers every year.

(iii) perform its functions in close liaison with Government agencies, institutions including co-operative societies and such other authorities concerned with the procurement, supply, distribution, trade of agricultural produce and avoid duplication of efforts; and

(iv) give wide publicity to the remunerative prices fixed for agricultural produce through electronic and print media throughout the country.

Function of the zonal office.

5. (1) It shall be the duty of each zonal office of the Board to recommend to the Board the remunerative support prices of agricultural produce in respect of its jurisdiction.

(2) Every zonal office of the Board, before recommending the minimum support remunerative prices of agricultural produce, shall take into account all relevant factors, but in particular, the following, namely:—

(a) average capital investment made by farmers in growing the produce;

(b) average labour charges;

(c) interest on loans borrowed for growing the produce;

(d) premium for crop insurance, if any;

(e) maintenance cost of the land;

(f) expenditure on fertilizers, seeds and electricity, etc.;

(g) any concession, rebate or subsidy provided by Government in relation to agricultural produce;

(h) prevailing open market price of each product;

(i) climatic conditions and incidence of natural calamities like floods, droughts, hailstorms, cyclones and untimely rains; and

(j) average monthly household expenditure of an average farmer.

Government agencies to purchase agricultural produce.

6. (1) In case any farmer fails to sell his produce in the open market at the desired prices, the Central Government shall purchase his produce at the price fixed by the Board through Government agencies.

(2) If there is a steep fall in the prices of agricultural produce in the open market, it shall be the duty of the appropriate Government to intervene through its agencies in the market to ensure that farmers shall get minimum support price of the produce and take such other measures as it may deem necessary to handle the situation and protect the interests of the farmers.

Appeal to Central Government regarding price fixation.

7. (1) If any farmer is not satisfied with the declaration of price fixed for any agricultural produce, he may file an appeal to the Authority designated for the purpose by the Central Government within thirty days for reviewing of such price.

(2) The designated Authority specified under sub-section (1), shall give its decision within fifteen days from the date of filing of such appeal.

Central Government to provide funds.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Board for carrying out the purpose of this Act.

Act to have overriding effect.

9. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our country, the farmers and their families entirely depend on the crop they grow and reap. The farmers always expect remunerative prices of their agricultural produce in order to repay their loans which they borrowed for growing agricultural produce and to meet social obligations and household expenditure. But unfortunately, it is an usual phenomenon that in the immediate post-harvest period the prices of most of the agricultural produce decline very sharply and farmers are left high and dry and at the mercy of unscrupulous traders who exploit them to the maximum possible.

Similarly, it is now very common that whenever there is bumper crop of anything, be it foodgrains or vegetables, the prices of such items fall very steeply. For instance when there is bumper crop of any commodities, their prices fall to the extent that the growers have no choice but to throw them on the roadsides and it has been noticed that the farmers sometimes burn their sugarcane on the fields. But even the Government does not come to their rescue. Hence, there is an urgent need to provide that Government should intervene at such times to protect the interests of the farmers.

The Union Ministry of the Agriculture and Farmers Welfare fixes the minimum support prices of agricultural produce but generally such prices are not realistic ones and there has always been discontentment amongst the farmers regarding such prices because they remain far below the expectations of the farmers. It is, therefore, necessary to set up a statutory autonomous Agricultural Produce Price Fixation Board also representing farmers and agricultural labourers to fix the remunerative prices for agricultural produce taking into consideration all the aspects. It will also be mandatory for the Government to purchase agricultural produce from the farmers through their agencies. It is felt that the guarantee of a minimum assured price will further give the requisite boost to our agriculture sector and our farmer will prosper which he really deserves.

Hence this Bill.

NEW DELHI;
July 5, 2017.

SUNIL KUMAR SINGH

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3) OF THE
CONSTITUTION OF INDIA

[Copy of letter No. 7-9/2017-FES-ES dated 31 August, 2017 from Shri Radha Mohan Singh, Minister of Agriculture and Farmers Welfare to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Agricultural Produce (Remunerative Support Prices and Miscellaneous Provisions) Bill, 2017 by Shri Sunil Kumar Singh, Member of Parliament, has recommended the consideration of the Bill under article 117(3) of the Constitution in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of Agricultural Produce Price Fixation Board. It further provides for setting up of zonal offices. Clause 4 provides that the Board shall give wide publicity through electronic and print media about the prices fixed. Clause 6 provides that the Central Government shall purchase agricultural produce at the prices fixed by the Board. Clause 8 provides for payment of adequate funds to the Board for carrying out the purposes of the Act. The Bill, therefore, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to the matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 184 OF 2017

A Bill further to amend the Employees State Insurance Act, 1948.

BE it enacted by the Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title, and
commencement.

1. (1) This Act may be called the Employees' State Insurance (Amendment) Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different States or for the different parts thereof.

Amendment of
section 1.

2. In section 1 of the Employees State Insurance Act, 1948 (hereinafter referred to as the principal Act),—

(a) in sub-section (4),—

(i) the words, “in the first instance”, shall be omitted; and

(ii) after the words “seasonal factories”, the words “and workers in the unorganised sectors” shall be inserted.

(b) in sub-section (5), after the words, "agricultural or otherwise", the words "or to persons such as agricultural workers, railway porters, Life Insurance Corporation (LIC) agents, Accredited Social Health Activists (ASHA) workers, anganwadi workers, Mahila Pradhan Agents, Kudumbhasree workers, auto and taxi drivers, tailors, building and other construction workers, fishermen, National Rural Employment Guarantee Programme (NREGP) workers, domestic workers, street vendors, sanitation workers, mine workers, rickshaw pullers, freelance journalists and such other categories of employees in unorganized sector" shall be inserted; and

(c) in sub-section (6), the following proviso shall be added at the end, namely:—

"Provided that nothing contained in this sub-section with respect to number of employees shall apply to employees in the unorganized sector."

3. In section 2 of the principal Act,—

Amendment of
section 2.

(a) after clause (2), the following clause shall be inserted, namely:—

'(2A) "competent authority" means the authority designated under section 25A;';

(b) after clause (4), the following clause shall be inserted, namely:—

'(4A) "contribution of employee in the unorganized section" means the sum of money payable to the corporation by the employee in such manner as may be prescribed.';

(c) after clause (9), the following clauses shall be inserted, namely:—

'(9A) "employee in the unorganized sector" means the employee or worker working in the unorganized sector certified by the competent authority in the manner as may be prescribed;

(9B) "employer in the unorganized sector" means the employer in the unorganized sector certified by the competent authority in such manner as may be prescribed;';

(d) after clause (21), the following clause shall be inserted, namely:—

'(21A) "unorganised sector" means a factory, establishment or an enterprise owned by individuals or self-employed workers;'; and

(e) in clause (24), after the words "Industrial Disputes Act, 1947 (14 of 1947)" the words and the Unorganised Workers Social Security Act, 2008 (33 of 2008)" shall be inserted.

4. In section 4 of the principal Act, after clause (j), the following clause shall be inserted, namely:—

Amendment of
section 4.

"(k) five persons representing the trade unions of the unorganized sector to be appointed by the Central Government in consultation with such trade unions as may be recognised for the purposes by the Central Government."

5. In section 8 of the principal Act, in clause (c),—

Amendment of
section 8.

(i) for the words "eight" the words "nine" shall be substituted; and

(ii) after sub-clause (v), the following sub-clause shall be inserted, namely:—

"(vi) one member from among the members of the Corporation representing the employees in the unorganized sector;"

6. In section 10 of the principal Act, in sub-section (1), after clause (g), the following clause shall be inserted, namely:—

Amendment of
section 10.

"(h) three members representing employees of the unorganized sector to be appointed by the Central Government."

Insertion of new section 25A.	7. After section 25 of the principal Act, the following section shall be inserted, namely:—
Designation of an Officer to be a Competent Authority.	"25A. The Central Government shall, by notification in the Official Gazette, in consultation with the Corporation, designate an Officer to be a competent authority for the purpose of certification of employees and employers in the unorganized sector."
Insertion of new section 38A.	8. After section 38 of the principal Act, the following section shall be inserted, namely:—
Employees in the unorganized sector to be insured.	"38A. Subject to the provisions of this Act, the employees in the unorganized sector shall be insured in such manner as may be prescribed."
Insertion of new section 39A.	9. After section 39 of the principal Act, the following section shall be inserted, namely:—
Contribution of employee in the unorganized sector.	"39A. The contribution payable under this Act in respect of an employee in the unorganized sector shall be in such manner as may be prescribed."
Insertion of new section 40A.	10. After section 40 of the principal Act, the following section shall be inserted, namely:—
Contribution of employer in the unorganized sector.	"40A. The contribution payable under this Act by the employer with respect to an employee in the unorganized sector shall be in such manner as may be prescribed."
Amendment of section 95.	11. In section 95 of the principal Act, in sub-section (2), after clause (oa), the following clauses shall be inserted, namely:— "(ob) the manner of appointment, qualifications, conditions of service, powers and duties, office and staff and such other conditions of competent authority for certification of employees and employers in the unorganized sector; (oc) the manner and procedure for certification of employees and employers in the unorganized sector; (od) the manner of fixing the rate of contribution and, procedure for collection of contribution from employees and employers in the unorganized sector; (oe) the process and manner for insuring the employees in the unorganized sector; (of) the procedure and manner for redressal of complaints and grievances of employees and employers in the unorganized sector; (og) any other manner which may be necessary or proper for the purpose of providing insurance coverage to the employees in the unorganized sector."

STATEMENT OF OBJECTS AND REASONS

The Employees' State Insurance Act, 1948 is a social security legislation that provides for certain benefits to employees in case of sickness, maternity and injury during the course of employment and to make provisions for certain other matters in relation thereto.

Keeping in view the changing needs of the society, it is essential to extend the application of the Act for providing medical care to unorganized sector workers. The Employees State Insurance Corporation being the premier social security agency has been running healthcare activities in the country. It is also the primary duty of the Government to take the healthcare of the employees in the unorganized sector. The healthcare insurance coverage of meager categories of unorganized workers introduced is not sufficient to address the issues. It is necessary to replace the existing scheme and provide all the ESI benefits available to employees in the organized sector to the employees in the unorganized sector. Considering the healthcare of employees in the unorganized sector, it is necessary to include the employees in the unorganized sector within the purview of the Employees State Insurance Act, 1948.

The Bill, therefore, seeks to amend Employees State Insurance Act, 1948 with a view to:—

(i) bring within the purview of the Act the employees in the unorganized sector such as agricultural workers, railway porters, Life Insurance Corporation (LIC) agents, Accredited Social Health Activists (ASHA) workers, auto/taxi drivers, tailors, building and other construction workers, fishermen, National Rural Employment Guarantee Programme (NREGP) workers, domestic workers, street vendors, sanitation workers, mine workers, rickshaw pullers, freelance journalists and such other categories of employees in unorganized sector;

(ii) designate competent Authority to certify the employee and employer in the unorganized sector for the purpose of this Act;

(iii) ensure the representation of trade unions representing the unorganized sector in the Employees State Insurance Corporation;

(iv) ensure the representation of employees from the unorganized sector in the Standing Committee of the Corporation; and

(v) ensure the representation of employees in the unorganized sector in the Medical Benefit Council.

Hence this Bill.

NEW DELHI;
July 6, 2017.

N.K. PREMACHANDRAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for the manner of appointment, qualifications, conditions of service, powers and duties, office and staff and such other conditions of competent authority for certification of employees and employers, etc. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 176 OF 2017

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Sixty-eighth year of the Republic of India as follows:—

Short title and commencement. 1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 154. 2. In section 154 of the Code of Criminal Procedure, 1973, in sub-section (2), after the word "informant", the words "and on demand to the accused or his authorized representative" shall be inserted. 2 of 1974.

STATEMENT OF OBJECTS AND REASONS

When an information regarding the commission of cognizable offence, commonly known as First Information Report (FIR), is given under section 154 of the Code of Criminal Procedure, 1973 (Cr. P.C), sub-section (2) of the same mandates the police authorities that a copy of such information should be supplied to the informant as well free of cost. However, the Code lacks any provision which bestows the same right upon an accused/suspect or his authorized representative in order to get the copy of FIR after its registration with or without any cost.

Although section 207 of Cr. P.C. requires the concerned Magistrate to furnish a copy of the FIR to the accused but the provisions of section 207 come into play only after the filing of charge sheet under section 173 Cr. P.C. Similarly, a combined reading of sub-sections (5) and (7) of section 173 of the Cr. P.C. also shows that after filing of the charge sheet, the police may also supply copy of the FIR to the accused person along with other papers of the charge sheet. However, the expression under sub-section (7) of section 173 Cr. P.C. "....the police officer investigating the case finds it convenient so to do, he may furnish to the accused copies...." also conveys a mere directory order to the investigative authorities to provide the copy of the FIR to the accused or his representative, thereby again leaving discretion in their hands and the accused/suspect at their mercy. On a plain reading of the statute, it is clear that the provisions of sections 207 and 173 of the Cr. P.C. are attracted only after filing of the charge sheet by the police. There is no specific provision in the Cr. P.C. requiring the supply of the FIR to the accused person or his authorized representative before the filing of the charge sheet and after the registration of FIR.

The above lacuna in the statute, has led to various untoward circumstances where the Police Officials have summoned or in many cases even arrested the suspect/accused at the Police Station and kept them locked or bound within the Police Station on the pretense that there has been an FIR filed against them, but seldom do they disclose the contents of that FIR. This leads to unnecessary harassment of the public and disproportionate allocation of power in the hands of the investigative agency leading to corruption and persecution.

There are several judgment of various High Courts holding that FIR is a "public document" within the meaning of section 74 of the Evidence Act, 1872. Therefore, as required under the provisions of section 76 of the that Act, certified copy of the FIR has to be given to the accused person on his request on payment of the applicable legal fees by every public officer (such as the officer in charge of the police station) having the custody of such document. In this regard, there is decision of the Allahabad High Court in *Shyam Lal vs. State of U.P.*, 1998 Cri. L.J. 2879 which said that "... First Information Report is a public document and any person is entitled to have its certified copy either from the police authorities and/or from any court where it is lying if a person files an application and prepared to pay the proper court fee. In such an event no authority can refuse supplying the certified copy of the first information report...." And other similar judgments from the High Courts of different States like decision of the Karnataka High Court in *Chnnappa Andanappa Siddareddy vs. State*, 1980 Cri. L.J. 1022; decision of the Bombay High Court in *Mohammed Khalid Shaikh v. State of Maharashtra* [Criminal Application No. 709 of 2010 decided on 4 March 2010]; decision of the Delhi High Court in Court on its own motion through *Mr. Ajay Choudhary vs. State* [WP (Cri.) No. 468/2010 decided on 6 December 2010].

However, no such provision has been provided explicitly in any statute and there is no decision of the Supreme Court available completely adjudicating on this issue leading to a divided opinion of various investigative agencies and lower courts in different States adding upto the adversities of an accused. Moreover even if the High Court of a certain State has provided a judgment in favour of such issue, execution of such judgment without any written provision becomes a difficult task for the common public especially those who are poor and

illiterate if the police authorities and lower courts do not provide them any assistance. This is again leaving the common man at the mercy of the authorities adding to his woes. Moreover the payment of required legal fees under section 76 of the Indian Evidence Act, 1872, further acts as a burden to an accused or his authorized representative who cannot afford to pay such fees. In the present scenario, the only option which is available with the accused or his authorized representative to get a copy of FIR is either to bribe the police officials in order to get a copy or pay some fees (bribe) to the staff working in the Court of Magistrate. Therefore, such a change in the justice system is the demand of the time to also bring the much needed "transparency in administration of criminal justice".

Recently the Supreme Court, in a judgment arising out of Public Interest Litigation filed by the Uttarakhand based Youth Bar Association of India on the same issue, has accepted the fact that "it is vitally necessary that an accused person should be granted a copy of the first information at the earliest possible state in order that he may get the benefit of legal advice." and directed all the States to upload the FIRs on the official police websites of different States within 24 hours of their registration but again the execution of such direction in different states is yet to be followed especially in small and poor States who hardly have the staff and resources. Moreover, in a country where majority of the population is illiterate and poor, the availability of FIRs online hardly seems to be a workable solution since it won't be accessible to all and therefore requires a statutory provision.

According to a news report carried on by the National Social Watch, a network of Civil Society Organization in 2013, about three fourths of the total prisoners in Indian Prisons are under-trials and according to the National Crime Records Bureau report for 2015, the occupancy rate at the all India level in Indian prisons at the end of 2015 was 114.4 per cent and almost seventy per cent of the convicts were illiterate. In a scenario like this it is clear that majority of the prison inmates have no clue as to why they are in the prisons and they have been languishing in there for years, some of them even convicted, without even knowing and understanding the charges against them which goes against the spirit of fundamental rights of the accused.

In 1997, a Judgment in the case of D.K. Basu vs. State of West Bengal changed the course of Indian Criminal Justice system by providing certain basic rights to the accused so that they are not tormented by the system and this Bill aims to seek the same remarkable feat by allowing the accused or his authorized representative access to FIR on demand as a right which is a valuable document in respect of information not just for the complainant but for the accused as well since it allows him to prepare for a more informed defence which is essential for a fair trial.

India being a developing country, majority of its population still consist of people who are illiterate and poor. In case, if any such common man is accused of a crime and is deprived of the basic and document FIR which would inform him of what he has been accused of and prepare him for the upcoming actions, it amounts to a clear victimization of the common man at the hands of the justice system and leads to violate the human rights of an accused.

In order to improve the above mentioned conditions, We need to rectify and accommodate the term 'FIR' with due precision in section 154(2) of Cr. P.C. which adherently gives right to the accused or his authorized representative to get a copy of FIR on demand without any delay and before the stage of filing the charge sheet which will make the due process of law easier and fairer even on behalf of the accused.

Hence this Bill.

NEW DELHI;
July 07, 2017.

DUSHYANT CHAUTALA

BILL NO. 179 OF 2017

A Bill to provide for the setting up of a Board for the development and promotion of cashew cultivation, cashew nut processing, marketing and research to improve its production and productivity and for matters connected therewith or incidental thereto.

BE it enacted by the Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Cashew Development Board Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title, extent
and commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Board" means the Cashew Development Board constituted under section 3;

(c) "cashew" means both raw and processed cashew; and

(d) "prescribed" means prescribed by rules made under this Act.

Cashew
Development
Board.

3. (1) The Central Government shall not later than three months from the commencement of this Act, establish a Board to be known as the Cashew Development Board.

(2) The Board shall consist of:—

(a) a Chairperson to be nominated by the Central Government having outstanding calibre and eminence in the field of cashew cultivation, research or marketing;

(b) two members of Parliament of whom one shall be from the House of the People and one from the Council of States, to be nominated by the Presiding Officers of the respective Houses;

(c) two members to be appointed by the Central Government one each to represent the Legislative Assemblies of Kerala and Tamil Nadu;

(d) two members to be appointed by the Central Government by rotation in the alphabetical order to represent the State legislatures of Karnataka, Goa, Andhra Pradesh, Orissa and Jharkhand:

Provided that every appointment under sub-clauses (c) and (d) shall be made on the recommendation of the Presiding Officers of the respective State Legislative Assemblies.

(e) three representatives, representing the Union Ministries of Commerce and Industry, Agriculture, and Finance, respectively, who shall be nominated by the Central Government;

(f) two members to be appointed by the Central Government one each to represent the Governments of the States of Kerala and Tamil Nadu;

(g) one member to be appointed by the Central Government by rotation in the alphabetical order to represent the States of Karnataka, Andhra Pradesh, Goa, Jharkhand and Orissa:

Provided that every appointment under sub-clauses (f) and (g) shall be made on the recommendation of the State Government concerned.

(h) two members representing the cashew farmers;

(i) two members representing the workers of cashew processing industry;

(j) two members representing the cashew processing industry;

(k) one member representing the food processing industry;

(l) one member representing the Indian made foreign liquor industry; and

(m) the Secretary to the Union Ministries of Commerce and Industry, who shall be the Member-Secretary to the Board, *ex-officio*.

(3) The Board shall have a term of office of three years.

(4) The Board shall have its office at Ranchi in the State of Jharkhand.

(5) The Central Government shall provide such number of officers and staff to the Board as is required for its efficient functioning.

(6) The salaries and allowances payable to and other conditions of service of the officers and staff of the Board shall be such as may be prescribed.

4. The Board shall —

Functions of
the Board.

(i) make recommendations to the Central Government regarding formulation of a comprehensive policy regarding cashew cultivation, processing, marketing, value addition of cashew products, research and development aimed, *inter alia*, at discovering new uses of cashew products;

(ii) formulate welfare measures for cashew cultivators and workers in cashew industry and advise the appropriate Government accordingly;

(iii) study the problems in cashew cultivation, processing, marketing including issues in product diversification, value addition, research and development of cashew;

(iv) identify new cashew markets overseas and send business delegations to study those markets;

(v) set up training and research institutes for imparting expertise in cashew cultivation, value addition and product diversification; and

(vi) recommend measures to expand cashew cultivation in new areas in order to attain self-sufficiency in cashew nuts.

5. The Central Government shall, by notification in the Official Gazette, constitute a Fund to be called the Cashew Development Fund and there shall be credited thereto —

Constitution of
Cashew
Development
Fund.

(a) any grant by the Central Government for the purposes of this Act;

(b) any grant or donation from State Governments, voluntary organizations or other institutions:

Provided that no such grant, loan or donation shall be credited to the Fund except with the prior approval of the Central Government.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Board by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act;

Grants by the
Central
Government.

7. (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and
audit.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General of India or any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board.

(4) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

Board to
submit an
annual report.

8. (1) The Board shall submit an annual report on its functioning to the President.

(2) On receipt of annual report under sub-section (1), the President shall cause the same to be laid before each House of Parliament within a period of thirty days from the date of its receipt.

Power to make
rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is the largest producer of Cashew nuts, biggest consumer and also the largest exporter of processed cashew nuts. It provides livelihood to lakhs of farmers, provides employment to lakhs of workers in the cashew based industries and it is one of the most important export earners for the country.

However, cashew cultivators are mainly the small farmers and the cultivation is done in a very unorganised and unscientific manner. The farming practices and post harvest technology are all very traditional and backward. There is hardly any research done in any aspect of cultivation, processing, marketing and product diversification or the value addition. All these factors lead to the fact that productivity of cashew in the country is very low.

But the possibilities in this field are unlimited. There is a huge possibility of expanding the cultivation of cashew nuts and increasing the production and productivity of cashew nuts as well as in the field of value addition and also new uses of cashew products. There is also a big possibility of manufacturing high quality liquor from cashew kernels, which at present goes as waste. Though there is scope for quality improvement, the "Fenni", being made in the State of Goa from cashew kernels, is an example. Cashew nuts can also be used for making drugs. Cashew trees may prove very useful for the timber industry, the pulp industry, etc.

The constitution of the Cashew Development Board is primarily meant for improving the techniques of cashew farming and giving boost to cashew processing industry, manufacturing industry based on cashew, product diversification, promotion of research and value addition along with market promotion and research and development.

If all these are done with a measure of success, it would bring prosperity to this sector in agriculture and a new industry will be developed with tremendous potential and possibility.

The Bill seeks to achieve these objectives.

NEW DELHI;
July 7, 2017.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Cashew Development Board, Clause 4 provides that the Board shall perform certain functions for the welfare of cashew farmers and workers of cashew based industries. Clause 6 provides that the Central Government shall provide money, after due appropriation made by Parliament by law in this behalf, to the Board by way of grants. Clause 7 provides that the Board shall maintain proper accounts and relevant records and bear the expenditure for auditing of the accounts. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees ten crore will be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 168 OF 2017

A Bill to amend the Protection of Plant Varieties and Farmers' Rights Act, 2001.

BE it enacted by the Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Protection of Plant Varieties and Farmers' Rights (Amendment) Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
section 39.

2. In section 39 of the Protection of Plant Varieties and Farmers' Rights Act, 2001, for sub-section (2), the following sub-sections shall be substituted, namely:—

53 of 2001.

"(2) Where any propagating material of a variety registered under this Act has been sold to a farmer or a group of farmers or any organisation of farmers, the breeder of such variety shall disclose to the farmer or the group of farmers or the organisation of farmers, as the case may be, the expected performance under given conditions, and if such propagating material fails to provide such performance under such given conditions, the farmer or the group of farmers or the organisation of farmers, as the case may be, may claim compensation in the prescribed manner before the Authority and the Authority, after giving notice to the breeder of the variety and after providing him an opportunity to discharge the complete onus in respect of such claim and after hearing the parties, shall, not more than six months from the date of filing such claim, direct the breeder of the variety to pay such compensation as it deems fit but not less than twice the amount of damage which the farmer or the group of farmers or the organisation of farmers, as the case may be, has suffered.

(3) Notwithstanding anything contained in this section, the Authority shall, on receipt of claim application for compensation under sub-section (2), from any farmer or a group of farmers or any organisation of farmers, as the case may be, award such interim compensation, as it deems fit, for necessary subsistence for the livelihood of a farmer or a group of farmers or any organisation of farmers, as the case may be."

STATEMENT OF OBJECTS AND REASONS

The Protection of Plant Variety and Farmers' Rights Act, 2001 (popularly known as PPVFR Act) aims to establish an effective system for protection and development of new plant varieties, protect farmers' rights by facilitating the growth of the seed industry and the availability of the high quality seed and planting material to the farmers.

Despite the best intentions of this legislation, the fact is that the farmers productivity and their future is severely compromised by the non-availability of the quality seeds and further sale of low quality seeds to them by misrepresentation.

The state of affair further depletes when the farmers approach the Authority established under the Act for claiming compensation since they do not have sufficient material to discharge the onus on their claim. Moreover, no time-frame has been prescribed for the authority to decide the claim. Sometimes, it may take several years for the decision to come. Also, no interim measures are provided under the Act.

The Authority under the Act has been given more discretion to decide upon the quantum of the claim. Thus, it is imperative that necessary amendments be brought in to make a time-bound redressal mechanism for the adjudication of claims being filed by farmers or organisation of farmers under this Act along with a provision of interim compensation to be awarded to the farmers. Also, the company being a dominant party should be given the burden to discharge the onus on the claims and not the otherwise.

Hence this Bill.

NEW DELHI;
July 7, 2017.

DUSHYANT CHAUTALA

BILL NO. 186 OF 2017

A Bill to establish a Central Human Trafficking Prevention Commission for prevention of human trafficking in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Human Trafficking (Prevention) Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Commission" means the Central Human Trafficking Prevention Commission established under section 4;

(c) "human trafficking" means an act of recruiting or transferring any person for unlawful purpose including sexual exploitations or engaging him as forced labour within the country or in a foreign country; and

(d) "prescribed" means prescribed by the rules made under this Act.

45 of 1860.
104 of 1956.

(2) The words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860, or the Immoral Traffic (Prevention) Act, 1956 shall have the same meanings, respectively, assigned to them in those Acts.

3. (1) The Central Government shall, as soon as may be after the commencement of this Act and in consultation with the State Governments concerned, by notification in the Official Gazette, formulate a National Policy aimed at prevention of growing incidents of human trafficking and overall welfare, protection and rehabilitation of victims of human trafficking.

Formulation of
National Policy
to prevent
Human
Trafficking.

(2) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to implement the national policy formulated under sub-section (1).

4. (1) The Central Government shall, by notification in the Official Gazette, establish a Central Human Trafficking Prevention Commission for prevention of the human trafficking of citizens within the country or abroad.

Establishment
of Central
Human
Trafficking
Prevention
Commission.

(2) The headquarters of the Commission shall be at New Delhi.

(3) The Commission may establish its branches in the States and Union territories in such manner as may be prescribed.

(4) The Commission shall consist of one Chairperson and such other members having relevant experience in the field to be appointed by the Central Government in such manner as may be prescribed.

(5) The salary and allowances payable to the Chairperson and members of the Commission shall be such as may be prescribed.

(6) The Commission shall be a body corporate by the name of aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(7) The Commission may appoint such number of officers and employees as may be necessary for the efficient functioning of the Commission and carrying out the purposes of this Act.

(8) The salary and allowances payable to and other terms and conditions of service of officers and employees of the Commission shall be such as may be prescribed.

5. The Commission shall —

Functions of the
Commission.

(a) take rehabilitation and welfare measures for victims of human trafficking;

(b) provide boarding and lodging facilities for victims of human trafficking;

(c) provide emergency medical care and necessary legal assistance to victims of human trafficking; and

(d) undertake such other measures as may be deemed fit for prevention of human trafficking.

Appropriate Government to formulate rehabilitation scheme.

6. The appropriate Government shall formulate rehabilitation scheme for persons rescued from trafficking and take such other welfare measures for prevention of human trafficking under this Act in such manner as may be prescribed.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Government for carrying out the purposes of this Act.

Act to have overriding effects.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in derogation of other laws.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the subject matter of this Act.

Power to make rules.

10. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

India has become the largest base of human trafficking in the world. In the abominable market of human trafficking, India is being identified both as a consumer and producer. According to the United States "Trafficking in Persons", Report, 2009, India is in the league of such nations where the Governments have proved to be unsuccessful in prevention of incidents of human trafficking.

Human trafficking has taken deep roots in the society. The network of human trafficking has been spreading across the country. Lakhs of women are being trafficked every year within the country, out of which more than forty per cent. are minors. Forty per cent. of the kidnapped children are forced into child labour or prostitution.

Human trafficking is a heinous and inhumane crime. The web of human trafficking is spreading rapidly in the country and it is not only spoiling the image of India in the world, but also contaminating the society on a large scale. If the growing numbers of incidents of human trafficking are not checked in time, the situation would go out of control.

Hence this Bill.

NEW DELHI;
July 7, 2017.

RAHUL SHEWALE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of a Central Human Trafficking Prevention Commission for prevention of the human trafficking. Clause 5 provides for rehabilitation and welfare measure of persons victims of human trafficking. Clause 6 provides for the formulation of rehabilitation scheme for persons rescued from human trafficking. Clause 7 provides that the Central Government shall provide adequate funds to the State Governments. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees five hundred crore per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 190 OF 2017

A Bill to provide for special financial assistance to Mumbai in the State of Maharashtra for the purposes of implementation of development and welfare schemes for the women, children, senior citizens and poor people living in Mumbai and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and commencement. **1.** (1) This Act may be called the Special Financial Assistance to Mumbai Act, 2017.

(2) It shall come into force with immediate effect.

Special Financial Assistance to Mumbai. **2.** (1) Notwithstanding anything contained in any other law for the time being in force, there shall be paid in five years such sums of money out of the Consolidated Fund of India, being not less than rupees fourteen thousand and six lakh crore, as the Parliament may by due appropriation made by law in this behalf provide, as special financial assistance to Mumbai.

(2) The special financial assistance under sub-section (1) shall be provided to the Municipal Corporation of Greater Mumbai to meet the cost of development work and welfare schemes as may be undertaken by the State Government of Maharashtra for carrying out the purposes of this Act.

(3) Without prejudice to the generality of the provision contained in sub-section (2), the development works and welfare schemes of Mumbai may include,—

(a) creation and maintenance of water conservation bodies, digging of open wells, ponds and desiltation of such bodies, from time to time;

(b) promotion of rain water harvesting as a movement;

(c) afforestation particularly on vacant or barren and waste land;

(d) setting up fodder Banks at conspicuous places;

(e) creation of foodgrains Banks at conspicuous places to help the farmers and other villagers;

(f) initiating welfare measures for improving the conditions of agricultural workers, senior citizens, women, children, and poor people living in Mumbai;

(g) improving the health and education standards of the children particularly the girl child;

(h) creation of employment opportunities in Mumbai for employment throughout the year and particularly for the period of natural calamities;

(i) providing potable water for the people and livestock;

(j) providing skill development training to the youth particularly the unemployed ones;

(k) creation of good quality infrastructure of roads, electricity, schools, colleges and transport;

(l) establishing community centres;

(m) establishing cold storages and warehouses for the farmers; and

(n) such other provisions as the State Government of Maharashtra may deem necessary for carrying out the purposes of this Act.

3. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

4. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Act not in derogation of other laws.

STATEMENT OF OBJECTS AND REASONS

Mumbai, known for its valour, rich traditions and culture, prosperity and development both in urban areas and rural areas, is presently suffering the worst. This trend has to be stopped in Mumbai through massive water conservation with check dams and other structures to arrest rain water run off. The traditional methods of water conservation through digging of open wells, ponds, lakes and such other bodies and time to time desiltation of such water bodies needs to be undertaken. Rain water harvesting has to be promoted as a mass movement in Mumbai. Afforestation on a large scale particularly on barren and wastelands has to be promoted in Mumbai.

Unfortunately regions of Mumbai are not developed in comparison to other regions of the State in terms of infrastructure facilities like that of potable water, roads, electricity, sanitation and other development indicators such as employment, per capita income and education particularly of the girl child. Welfare measures for the senior citizens, widows, physically handicapped or infirm do not exist in Mumbai. The Government has to provide all these facilities and work towards containing the desertification and give the requisite push to the much desired development in Mumbai.

However, all this require massive financial resources which are beyond the capability of the State Government of Maharashtra. Appropriate Central financial assistance is required in Mumbai to overcome the financial crunch in Mumbai.

Hence this Bill.

NEW DELHI;
July 7, 2017.

RAHUL SHEWALE

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for special financial assistance to the Municipal Corporation of Greater Mumbai to be paid out of the Consolidated Fund of India by the Central Government every year which shall not be less than fourteen thousand and six lakh crore rupees to be spent by the State Government of Maharashtra for development works and welfare schemes. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

BILL NO. 181 OF 2017

A Bill to establish schools imparting education upto senior secondary level free of cost to all children in the country.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Establishment of Schools upto Senior Secondary Level Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.	<p>2. In this Act, unless the context otherwise requires—</p> <p>(a) “appropriate Government” means in case of a State, the Government of that State and in all other cases, the Central Government; and</p> <p>(b) “child” means a boy or a girl who has not attained the age of eighteen years.</p>
Establishment of schools upto senior secondary level.	<p>3. (1) The appropriate Government shall establish adequate number of schools upto senior secondary level to impart education to children from classes first to twelfth standard.</p> <p>(2) For the purpose of sub-section (1), the appropriate Government may, if it deems necessary, upgrade any of the existing primary, middle or secondary school to senior secondary level.</p> <p>(3) Notwithstanding anything in sub-section (1), there shall be at least one senior secondary school per one thousand population in every area.</p>
Facilities to be provided to the students enrolled in schools.	<p>4. The appropriate Government shall provide the following facilities to every child enrolled in a school established or upgraded under section 3:—</p> <p>(i) cost of admission and all other expenditure including tuition fee shall be borne by the appropriate Government;</p> <p>(ii) books, notebooks and all other stationery items free of cost;</p> <p>(iii) free hostel facilities, whenever necessary; and</p> <p>(iv) scholarship in deserving cases.</p>
Duty of parents to send their wards to schools.	<p>5. (1) It shall be compulsory for every parent to admit their wards in school for the purpose of education upto senior secondary level.</p> <p>(2) No person shall employ any child in any job which prevents him from attending school.</p>
Penalty.	<p>6. Whoever prevents any child from getting education upto senior secondary level shall be punished with simple imprisonment for a term which may extend to six months.</p>
Grants by the Central Government.	<p>7. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the State Governments by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.</p>
Act not in derogation of other laws.	<p>8. The provision of this Act shall be in addition to and not in derogation of any other law, for the time being in force in relation to any of the matters provided under this Act.</p>
Power to make rules.	<p>9. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.</p> <p>(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p> <p>(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature.</p>

STATEMENT OF OBJECTS AND REASONS

A large number of primary, middle and secondary schools have been established by the State Governments in the States. However, the students especially in big cities, have to face hardships in securing admission to senior secondary schools because, in most of the cases, the last attended school imparts education upto primary, middle or secondary level. Students are compelled to run to district education office, schools and other authorities to get recommendations or relevant certificates to fulfil the formalities for admission in senior secondary schools. In such a situation, it is quite natural that the children as well as parents have to suffer mental agony.

Therefore, it has become necessary in the public interest to provide for the establishment of schools imparting education from classes first to twelfth or upgrade the existing primary, middle or secondary level schools to senior secondary level.

Hence this Bill.

NEW DELHI;
July 10, 2017.

SUNIL KUMAR SINGH
RAMESH CHANDER KAUSHIK

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of adequate number of schools or upgrade the existing primary, middle or secondary level schools upto senior secondary level. Clause 4 provides that the appropriate Government shall bear the cost of admission and all other expenditure including providing of free of cost books, note books, stationery items, hostel facility and scholarship to the students enrolled in schools. Clause 7 provides that the Central Government shall provide funds to the State Governments for establishment of schools. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees seventy five crore per annum.

A non-recurring expenditure of about rupees ninty five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 207 OF 2017

A Bill to provide for financial protection and security to girl child born to parents living below poverty line and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Financial Assistance to Girl Child Born to Parents Living Below Poverty Line Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "girl child" means any female child born to parents living below poverty line and who has not attained the age of twenty years; and

(c) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification, constitute a Fund to be known as the Girl Child Development Fund for carrying out the purposes of this Act.

Constitution of Girl Child Development Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) The appropriate Government shall deposit a sum of fifty thousand rupees in the bank account of every girl child born to parents living below poverty line within one month of her birth.

(4) The deposit shall mature when the girl child attains the age of twenty years or such after the expiry of period as may be fixed by the appropriate Government and such proceeds may be used by the girl child for education and other welfare measures.

4. The appropriate Government shall within six months of coming into force of this Act, issue directions to the nationalised and private sector banks and insurance companies, to formulate suitable schemes which provide benefits of fixed or term deposit and insurance benefits to the girl child.

Schemes to be formulated by banks and insurance companies.

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force giving benefits to the girl child.

Overriding effect of the Act.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Even after the completion of sixty-eight years of Independence, no clear-cut policy for the overall development of girl child belonging to Below Poverty Line (BPL) family has been formulated in our country so far. Today, a girl child of a poor family has to face problems at every stage. This includes, problems relating to poverty, upbringing, malnutrition, education, employment, vocational training, healthcare and problems faced at the time of her marriage. There is no institutional mechanism to harness the potential and channelize the energy of girl child of BPL family for the betterment of the country. There is no proper planning for comprehensive development of girl child. The plight of girl child belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes is even worse. Apart from all the problems as mentioned above, they also have to face social ostracisation. Birth of a girl child is still considered to be a curse. Even now the birth of a girl child is not considered auspicious in society.

There is a need to instill a sense of belongingness among the female children by providing them all opportunities for their development so that they can contribute to the progress of the country to their full potential. The facilities should be provided to them as a matter of right and not as a privilege. The steps taken in this direction will not only uplift the conditions of girl child but will also create a better society leading to a civilized and stronger nation. The Government should take responsibility of depositing one lakh rupees or as may be prescribed in financial institutions like banks and insurance companies in the name of new born girl child of BPL family, which will become a handsome amount after twenty years or so which can be used for the purpose of education, etc. of the girl child.

In this way, financial protection and security to girl child of BPL family must be ensured. The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;
July 11, 2017.

RAMESH CHANDER KAUSHIK

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Girl Child Development Fund. It also provides for deposit of sum of fifty thousand rupees in the bank account of every girl child of parents living below poverty line. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two thousand five hundred crore will be involved.

A non-recurring expenditure of about rupees two thousand five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 195 OF 2017

A Bill to provide for special educational facilities to the children of parents living below poverty line and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth year of the Republic of India as follows:—

1. (1) This Act may be called the Special Educational Facilities (For Children of Parents Living Below Poverty Line) Act, 2017.

Short title and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government; and

(b) “parents living below poverty line” means such parents whose income from all sources is less than rupees twenty thousand per mensem.

- Facilities to children born of parents living below poverty line.
- 3.** It shall be the duty of the appropriate Government to provide to every child born of parents living below poverty line, the following facilities, namely:—
- (a) free education from school level to the post-graduate level including higher medical and technical education;
- (b) free hostel facilities, uniform, means and such other assistance and facilities as are required for the proper education of children; and
- (c) gainful employment to the child after he completes his education.
- Scholarships.
- 4.** The appropriate Government shall provide scholarships upto a maximum of rupees one thousand per mensem, in deserving cases, to the children of parents living below poverty line while they are pursuing their education.
- Reservation of seats in medical and technical college for children born of parents living below poverty line.
- 5.** The appropriate Government shall reserve ten per cent of the total number of seats in all medical and technical colleges and institutions of higher studies for children born of parents living below poverty line.
- Central Government to provide adequate funds to the State Government.
- 6.** The Central Government shall provide adequate funds to the State Governments for effective implementation of the provisions of this Act.
- Power to make Rules.
- 7. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Nearly forty-five per cent. of the total population of our country lives below the poverty line. Their income is meager and they fight for their subsistence throughout their lives. They live hand to mouth existence and cannot even think of providing elementary education to their children. Since promotion of universal education and establishment of classless and creedless society is one of the basic aims of our Constitution, the Government at the national level as well at the State level should make provisions for free educational facilities and provide books, uniform, writing materials, transportation and hostel facilities free of cost to the children of persons living below poverty line, that is to say, whose total family income is below twenty thousand rupees per month, so that they could get proper education and better job opportunities to raise their standard of living. It will be a major step in eradicating illiteracy from the country. It will also help such children to grow and compete with children of higher class.

The cost of education and the cost of living has gone up and a ceiling of rupees twenty thousand per month seems to be reasonable. Keeping this in view, a provision has been made in the Bill to provide bright students belonging to very poor families a scholarship of rupees one thousand per mensem.

Hence this Bill.

NEW DELHI;
July 17, 2017.

UDIT RAJ

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free education including medical and technical education, etc. by the appropriate Government to children born of parents living below poverty line. It also seeks to provide for facilities such as free hostel, uniform, means etc. to such children. Clause 4 provides that the appropriate Government shall provide scholarship upto a maximum of rupees one thousand per mensem in deserving cases, to such children. Clause 6 provides for providing of adequate funds to the State Governments for effective implementation of the provisions of the Act. The Central Government has to bear the expenditure in respect of Union territories in implementing the provisions of the Bill. The respective State Government shall bear the expenditure in respect of their State. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of rupees ten thousand crore is likely to be incurred per annum.

A non-recurring expenditure of rupees twenty thousand crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, of a normal character.

BILL NO. 198 OF 2017

A Bill to provide for constitution of a Central Pilgrims Insurance Committee to provide uniform insurance to all the affected pilgrims in incidents/accidents including but not limited to terrorist attacks and to their dependent family members and for matters connected therewith or incidental thereto.

BE it enacted by the Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title, extent
and commence-
ment.

1. (1) This Act may be called the Uniform Insurance for Affected Pilgrims Act, 2017.

(2) It extend to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "affected pilgrims" means a pilgrim who either dies or is severely injured due to incidents/accidents occurred during pilgrimage;

(b) "committee" means the Central Pilgrims Insurance Committee constituted under section 3;

(c) "dependent" means the parents, spouse, children or siblings of affected pilgrims who dies during pilgrimage;

(d) "incidents/accidents" means loss of life or property due to theft, hospitalization, illness, stampede, injury, death due to terrorist acts and any other accidental death, excluding incidents of road accidents and natural deaths like heart attack, wherein pilgrims either die or are severely injured during the pilgrim visit;

(e) "pilgrim" means a person who journeys, especially a long distance, to some sacred place as an act of religious devotion;

(f) "prescribed" means prescribed by rules made under this Act; and

(g) "shrine board" means all the existing pilgrim Shrine Boards, including but not limited to Shri Amarnath Ji Shrine Board, constituted under respective parent Acts for respective Shrines across India and other shrines for which there is no Shrine Board constituted as on the date of commencement of this Act;

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Committee to be known as the Central Pilgrims Insurance Committee for carrying out the purposes of this Act.

Constitution of
the Central
Pilgrims
Insurance
Committee.

(2) The Committee shall consist of such number of members from the Shrine Boards to be nominated by the Central Government in such manner as may be prescribed.

(3) The Central Government shall provide such number of staff to the Committee as may be necessary to discharge its functions efficiently.

(4) The salary and allowances payable to and the terms and conditions of service of the Chairperson, members and staff of the Committee shall be such as may be prescribed.

4. The Committee shall—

Functions of
the Central
Pilgrims
Insurance
Committee.

(a) formulate uniform insurance scheme for affected pilgrims, from time to time;

(b) ensure photometric registration of all the affected pilgrims through their respective Shrine Boards in such manner as may be prescribed;

(c) ensure compensation of rupees ten lakhs for major and rupees six lakhs for minor affected pilgrims;

(d) ensure that amount of rupees ten lakhs be disbursed to the dependent family members of the deceased affected pilgrims;

(e) ensure that amount of rupees three lakhs be disbursed to the dependent family members of the seriously injured affected pilgrims;

(f) review existing policies of the Shrine Boards relating to the coverage of incidents/accidents under the insurance policies;

(g) coordinate with the insurance companies providing insurance covers and formulate uniform insurance policies to the affected pilgrims, from time to time;

(h) formulate adequate funding mechanisms for non-Governmental Organisations who assist in rescuing of the affected pilgrims and providing necessary medical assistance to the affected pilgrims;

(i) formulate policies for *ex-gratia* payment to the dependent family members of the affected pilgrims, from time to time; and

(j) undertake all other functions assigned to it, from time to time, for carrying out the purposes of this Act.

Payment of
premium.

5. Every pilgrim shall pay such amount as premium as may be prescribed to avail the benefits under this Act.

Payment of
compensation.

6. (1) Every affected pilgrim or dependant, as the case may be, shall apply to the Committee for payment of compensation in such form and manner as may be prescribed.

(2) The Committee shall examine every application filed under sub-section (1) and release the amount of compensation within a stipulated time in such manner as may be prescribed.

Central
Government to
provide
requisite funds.

7. The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, provide the requisite funds to the State Governments, Union territories and respective Shrine Boards for carrying out the purposes of this Act.

Act to
supplement
other laws.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Power to make
rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that they should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under such rule.

STATEMENT OF OBJECTS AND REASONS

India is a land of pilgrimages of various faiths wherein devotees travel from different parts of country to visit these places. Some of the places are overcrowded with devotees especially during the festivals and many of them are located in difficult geographical terrain such as Amarnath, which makes journey of pilgrims extremely difficult.

There have been incidents where pilgrims have lost their lives due to road accidents or other incidents while undertaking the journey to and from the pilgrimages. As of now, the respective States, Shrine Boards and the Central Government provide insurance to the affected pilgrims and their dependent family members. However, there is no uniformity in the amount of insurance that is being awarded.

For instance, Shri Amarnath Ji Shrine Board under the Chairmanship of the Governor of Jammu and Kashmir provides insurance cover of rupees one lakh to a pilgrim in case of death due to accident while undertaking the Amarnath Yatra. But rupees one lakh is considered insufficient to meet the eventualities that arise out of loss of life in such accidents. On the other hand, the Haj Committee of India, a statutory body of Ministry of Minority Affairs, Government of India has recently increased the insurance cover to rupees ten lakhs to account for such a loss.

Compensation for Human life should be awarded regardless of the religion or faith to which a person belongs to, as the loss of human life is precious in all circumstances. Also not providing equal insurance cover to all pilgrims belonging to different religions and faiths is antithetical to the basic spirit imbibed in article 15 of the Constitution of India which emphasizes no discrimination to be made on the basis of religion, race, caste, sex or birth place.

The Bill, therefore, seeks to constitute a Central Pilgrim Insurance Committee as an overarching body for all the existing Shrine Boards in India and other pilgrimage centres to formulate uniform insurance policies for a wide range of incidents/accidents that may take place during the pilgrimage. It also seeks to provide a uniform insurance policy with disbursement of maximum rupees ten lakhs in case of death during the pilgrimage and rupees three lakhs for pilgrims suffering major injuries. Further, it also proposes to encourage humanitarian endeavours by the non-profit organisations who provide medical assistance to the affected pilgrims by adequately awarding them for such gestures.

Hence this Bill.

NEW DELHI;
August 4, 2017.

MAHEISH GIRRI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for Constitution of the Central Pilgrims Insurance Committee. Clause 5 provides for the supply of funds to the State Governments, Union territories and respective Shrine Boards for carrying out the purposes of this Bill by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 199 OF 2017

A Bill to protect women from unnecessary and arbitrary caesarean section deliveries through the regulation and financial disincentivizing of private and public hospitals and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Protection of Women from Unnecessary Caesarean Section Deliveries Act, 2017.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:

Definition.

(a) “abnormally high rate of caesarean section deliveries” refers to a rate, in the given locality of the public or private hospital, doctor, paramedic, medical practitioner

and other institution or persons carrying out deliveries on a regular basis, of more than fifteen per cent. of the local population;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "Board" means the Caesarean Section Deliveries Control Board constituted under section 6;

(d) "caesarean section deliveries" or "c-section deliveries" refers to a surgical procedure in which incisions are made through a woman's abdomen and uterus when vaginal delivery is not possible or wherein the vaginal delivery is likely to put the health of the mother or the baby at risk;

(e) "medical practitioner" means any person holding medical qualification recognized under the Indian Medical Council Act, 1956 and enrolled as such by the appropriate authority;

(f) "ordinary delivery" refers to the vaginal delivery;

(g) "prescribed" means prescribed by rules made under this Act; and

(h) "private hospital" includes hospitals, private nursing homes, medical institutions and clinics being run by a medical practitioner or a group of medical practitioners of a trust or society.

Proportionate capping of cost of Caesarean Section Deliveries.

3. (1) The appropriate Government shall, by notification in the Official Gazette, shall put a cap on the price charged by both private and public hospitals for caesarean section deliveries.

(2) The cap on the price charged for caesarean section deliveries shall be proportionate to the price charged for ordinary deliveries, and shall not exceed twenty per cent. of the total cost of the ordinary delivery in a hospital.

(3) The appropriate Government shall ensure that every public and private hospital under their jurisdiction comply with the provisions of this section.

Mandatory declaration by doctors and hospitals.

4. (1) It shall be the duty of every public and private hospital, doctor, paramedic, medical practitioner or person carrying out deliveries on a regular basis to declare the percentage of caesarean section deliveries being carried out by them on a monthly basis in such manner as may be prescribed.

(2) Every declaration made under sub-section (1), shall be shown to the prospective women seeking delivery, and shall, at the end of every month, be forwarded to the appropriate Government in such manner as may be prescribed.

Punishment for failure to make mandatory declaration.

5. Any public or private hospital, doctors, paramedics, medical practitioner and other institutions or persons carrying out delivery on regular basis, who fails to make declaration under section 4, shall be punished with imprisonment for a term which may extend upto two years or with a fine which may extend upto rupees ten lakh or with both.

Constitution of Caesarean Section Delivery Control Board.

6. (1) The appropriate Government shall, by notification in the Official Gazette, constitute a Board under their jurisdiction to be known as the Caesarean Section Delivery Control Board for carrying out the purposes of this Act.

(2) The composition of the Board shall be such as may be prescribed.

Functions of the Board.

7. (1) The Board shall—

(a) conduct enquiries against public or private hospitals, doctors, paramedics, medical practitioner and other institutions or persons carrying out deliveries on a regular basis, having an abnormally high rate of caesarean section deliveries; and

(b) undertake such other functions as may be assigned to it, from time to time, by the appropriate Government for carrying out the purposes of this Act.

8. If any public or private hospital, doctor, paramedic and other institution or person carrying out deliveries on a regular basis, having an abnormally high rate of caesarean section deliveries, after an enquiry made under sub-section (1) of section 7, is found to be performing unnecessary or arbitrary caesarean section deliveries the head of the hospital or person responsible for carrying such deliveries, shall be punished with imprisonment for a term which may extend upto seven years or with fine which may extend up to rupees twenty lakh or with both.

Punishment for doctors and hospitals with abnormally high rate of caesarean section deliveries.

9. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature.

STATEMENT OF OBJECTS AND REASONS

Our country has witnessed a steep rise in unnecessary and arbitrary caesarean section deliveries being carried out across all States over the past few years. According to the World Health Organization, a figure below five per cent of the total population implies that a substantial proportion of women do not have access to surgical obstetric care. On the other hand a rate higher than fifteen per cent of the total population indicates over-utilization of the procedure for reasons other than life saving reasons. In India, from under ten per cent. in 2010 as per the District Level Household and Facility Survey (DLHS-3) and the National Family Health Survey, the rate of Caesarean Section Deliveries has steeply risen in few States and the country as a whole. Given the presence of a substantial inter-State variation of caesarean section deliveries, few large States (population of ten million and above) such as Kerala, Haryana, Andhra Pradesh and Tamil Nadu have undergone a significant increase in the number of caesarean section deliveries. Moreover, certain districts have reported a rate of caesarean section deliveries of more than eighty per cent. The rising rate of caesarean section deliveries makes it evident that the rise is unnatural, unnecessary and arbitrary and is done for financial gains that arise on account of the higher prices in caesarean section deliveries as opposed to ordinary deliveries. Taking note of the rising rate of caesarean section deliveries and the harmful effects on mothers and children born out of the same, the need is to regulate and financially disincentivize the caesarean section deliveries in the country.

The Bill, therefore, seeks to provide for a basic regulatory mechanism to safeguard the interests of women who are victims of unnecessary and arbitrary caesarean section deliveries by providing a cap on the price charged for caesarean section deliveries in as much as it will not be more than twenty per cent of what is charged in case of ordinary deliveries. It also seeks to provide for mandatory declarations to be made by doctors, hospitals or any person carrying out deliveries on a regular basis in relation to the rate of caesarean section deliveries, as well as a mechanism of enquiring into the same. In addition, the Bill also provides for the punishment for the failure to make mandatory declaration and for unjustified abnormally high rates of caesarean section deliveries.

Hence this Bill.

NEW DELHI;
August 4, 2017.

MAHEISH GIRRI

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for constitution of Caesarean Section Delivery Control Board. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees ten crore will be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 188 OF 2017

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 2017.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

43 of 1951.

2. After section 16 of the Representation of the People Act, 1951, the following section shall be inserted, namely :—

Insertion of
new section
16A.

"16A. Notwithstanding anything in sections 14, 14A and 15, the Election Commission shall, in consultation with the State Governments, endeavour to conduct elections to the House of the People and to the Legislative Assemblies of all States simultaneously."

Simultaneous
elections to the
House of the
People and
Legislative
Assemblies of
all States.

STATEMENT OF OBJECTS AND REASONS

General Elections to the House of the People and the State Legislative Assemblies are conducted at varying points of time which invariably involves substantial amount of time, expenditure and heavy deployment of manpower. Given that, a need has arisen to embark upon some targeted measure to get the elections to the House of the People and all the State Assemblies conducted together by making a synergy of time between the tenure of State Legislative Assemblies with that of the Lok Sabha in consultation with the State Governments.

The concomitant conduct of elections of the House of the People and the State Legislative Assemblies would lower the amount of expenditure. Besides, the local administration which get overwhelmingly pre-occupied in the electoral process by procrastinating all administrative functions, will also receive huge relief and the administrative work shall not suffer. Not just that, since model code of conduct shall be in effect all through the country for the same period of time, it would be far easier to monitor and give effect to it. A huge financial burden arising out of the deployment of para military forces and administrative personnel shall be fairly alleviated.

The Bill, therefore, seeks to amend the Representation of People Act, 1951 with a view to providing that the Election Commission shall endeavour to conduct elections to the House of the People and to the Legislative Assemblies of all States simultaneously.

Hence this Bill.

NEW DELHI;
August 10, 2017.

GOPAL CHINAYYA SHETTY

BILL No. 170 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2017.

Short title.

2. In article 10 of the Constitution, the following proviso shall be inserted namely :—

Amendment of
article 10.

“Provided that a person found guilty by a court of law for indulging in activities posing threat to security and integrity of the country shall cease to be a citizen with immediate effect.”

STATEMENT OF OBJECTS AND REASONS

Article 10 of the Constitution provides for continuance of the rights of citizenship subject to the provisions of any law that may be made by Parliament. It has been observed that persons indulging in activities posing threat to the security and integrity of the country continue to enjoy the rights of citizenship, freedom and other facilities as conferred on them by the Constitution. Continuance of rights of citizenship, in such cases, pose a threat to the security or integrity of the nation. It is, therefore, felt that the Constitution should be amended suitably to deprive such persons of the right of citizenship.

Hence this Bill.

NEW DELHI;
August 10, 2017.

GOPAL CHINAYYA SHETTY

BILL NO. 226 OF 2017

A Bill further to amend the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (Amendment) Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
section 31.

2. In section 31 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002,—

54 of 2002.

(a) in clause (h), for the words "one lakh", the words "ten lakh" shall be substituted; and

(b) after clause (j), the following clauses shall be inserted, namely:—

"(k) any security interest for securing repayment of any financial assistance for educational purpose;

(l) any security interest created for financial assistance not exceeding twenty lakhs rupees for agricultural purpose;

(m) any security interest for securing repayment of any financial assistance not exceeding twenty lakhs rupees for self employment.

(n) any case in which the right or ownership or possession of any security interest created for securing repayment of any financial assistance not exceeding fifteen lakhs rupees is vested with senior citizens, widows and differently-abled persons with more than sixty per cent. disabilities;

(o) any case in which the right or ownership or possession of any security interest created for securing repayment of any financial assistance is vested with the persons undergoing treatment for cancer, Acquired Immuno Deficiency Syndrome (AIDS) and organ transplantation; and

(p) any security interest created in land with residential building not exceeding an extent of five per cent. in cities, ten per cent. in towns and fifteen per cent in Panchayat for financial assistance not exceeding fifteen lakhs rupees."

STATEMENT OF OBJECTS AND REASONS

The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is a legislation that provides for speed up the recovery of defaulting loans and mounting levels of non-performing assets of banks and financial institutions.

For the implementation of the provisions of this Act, the banks and financial institutions seek the support of private agencies. The private agencies are implementing unethical and illegal means for recovery of the debts. These unethical methods are adopted for the recovery of money from the weaker sections of the society.

The interventions and interference of private agencies and implementation of provisions of this Act through unethical and illegal means creating unrest in the society particularly among the weaker sections. The weaker sections of the society become homeless due to the implementation of the provisions of this Act. The students, parents, farmers, senior citizens, differently abled persons, persons with small holdings and such other weaker sections in the society are suffering due to the implementation of the provisions of this Act so as to protect the welfare of the weaker section of the society exemption from application of provisions of this Act is necessitated. In view of the above it is considered necessary to amend the existing law.

Hence this Bill.

NEW DELHI;
November 27, 2017

N.K. PREMACHANDRAN

BILL NO. 228 OF 2017

A Bill further to amend the Drugs and Cosmetics Act, 1940.

BE it enacted by Parliament in the Sixty-eighth year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Drugs and Cosmetics (Amendment) Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
section 3.

2. In section 3 of the Drugs and Cosmetics Act, 1940 (hereinafter referred to as the principal Act),—

(a) the existing clause (a) shall be renumbered as (aⁱⁱ) and before the clause (aⁱⁱ) so as renumbered, the following clause shall be inserted, namely:—

“(a) “active pharmaceutical ingredients or bulk drug” means any pharmaceutical chemical biological plant product including its salts, esters, isomers, analogues and derivatives, conforming to standards specified in this Act, which is used as such or as an ingredient in any formulation;

(ai) “Authority” means the Drugs and Cosmetics Price (Control, Regulate and Monitoring) Authority constituted under section 7B.”;

(b) after clause (aa), the following clauses shall be inserted, namely:—

“(aai) “brand” means a name, term, design, symbol, trademark or any other feature that identifies one seller’s drug as distinct from those of other sellers;

(aaii) “ceiling price” means a price fixed by the Government for Scheduled formulations in accordance with the provisions of this Order;

(aaiii) “Chairperson” means the Chairperson of the Drugs and Cosmetics Price (Control, Regulate, Monitoring) Authority.”;

(c) after clause (aaa), the following clauses shall be inserted, namely:—

“(aaai) “dealer” means a person carrying on the business of purchase or sale of drugs, whether as a wholesaler or retailer and includes his agent;

(aaaii) “distributor” means a person engaged in the work of distribution of drugs and includes an agent or a stockiest for stocking drugs for sale to a dealer.”;

(d) in clause (b), after sub-clause (iv), the following sub-section shall be inserted, namely:—

“(v) in relation to [Ayurvedic, Siddha or Unani] drugs means the drugs specified from time to time by the Central Government by notification in the Official Gazette after consultation with the Board constituted under section 33C;

(vi) all the items covered under (i) to (v) above which the Authority constituted under section 4 of this Act deems fit to treat as drug or cosmetics for the implementation of provisions of this Act with or without notification by the Central Government.”;

(e) after clause (b), the following clauses shall be inserted, namely:—

“(ba) “expert member” means expert member of the Drugs and Cosmetics Price (Control, Regulate, Monitoring) Authority established under section 7B;

“(bb) “formulation” means a medicine processed out of or containing one or more drugs with or without use of any pharmaceutical aids, for internal or external use for or in the diagnosis, treatment, mitigation or prevention of disease and, but shall not include,

(i) any medicine included in any bonafide Ayurvedic (including Siddha) or Unani (Tibb) systems of medicines;

(ii) any medicine included in the Homoeopathic system of medicine; and

(iii) any substance to which the provisions of this Act not apply;

(bc) “generic version of a medicine” means a formulation sold in pharmacopeial name or the name of the active pharmaceutical ingredient contained in the formulation, without any brand name.”;

(f) after clause (f), the following clause shall be inserted, namely:—

“(fa) “maximum retail price” means the ceiling price or the retail price plus local taxes and duties as applicable, at which the drug shall be sold to the ultimate consumer and where such price is mentioned on the pack;

(fb) “moving annual turnover” in a particular month means cumulative sales value for twelve months in domestic market, where the sales value of that month is added and the corresponding sales of the same month in the previous year are subtracted;

(fc) “National List of Essential Medicines” means National List of Essential Medicines, 2011 published by the Ministry of Health and Family Welfare as updated or revised from time to time in the Official Gazette;

(fd) “new drug” means a formulation launched by an existing manufacturer of a drug of specified dosages and strengths as listed in the National List of Essential Medicines by combining the drug with another drug either listed or not listed in the National List of Essential Medicines or a formulation launched by changing the strength or dosages or both of the same drug of specified dosages and strengths as listed in the National List of Essential Medicines;

(fe) “non-scheduled formulation” means a formulation, the dosage and strengths of which are not specified in the First Schedule.”;

(g) after clause (g), the following clause shall be inserted, namely:—

“(ga) “local taxes” means any tax or levy (except excise or import duty included in retail price) paid or payable to the Central Government or the State Government or any local body under any law for the time being in force by the manufacturer or his agent or dealer;

(gb) “market share” means the ratio of domestic sales value (on the basis of moving annual turnover) of a brand or a generic version of a medicine and the sum of total domestic sales value of all the brands and generic versions of that medicine sold in the domestic market having same strength and dosage form;

(gc) “margin to retailer” for the purposes of this Order shall mean a percentage of price to retailer;

(gd) “market based data” means the data of sales related to drug collected or obtained by the Government as deemed fit, from time to time;”;

(h) after clause (h), the following clause shall be inserted, namely:—

“(ha) “pharmaco economics” means a scientific discipline that compares the therapeutic value of one pharmaceutical drug or drug therapy to another;”;

(i) after clause (i), the following clauses shall be inserted, namely:—

(j) “price list” means the price fixed by the Authority for the sale of drugs;

(k) “price to retailer” means the price of a drug at which it is sold to a retailer which includes duties and does not include local taxes;

(l) “retail price” means the price fixed by the Authority;

(m) “retailer” means a dealer carrying on the retail business of sale of drugs to customers;

(n) “scheduled formulation” means any formulation, included in the Schedule of the Authority whether referred to by generic versions or brand name;

(o) “schedule” means a Schedule published by the Authority from time to time;

(p) “wholesaler” means a dealer or his agent or a stockist engaged in the sale of drugs to a retailer, hospital, dispensary, medical, educational or research institution or any other agency; and

(q) “wholesale price index” means annual wholesale price index of all commodities as announced by the Department of Industrial Policy and Promotion, Government of India, from time to time.”.

3. After Chapter II of the principal Act, the following chapter and sections thereunder shall be inserted, namely:—

Insertion of new Chapter IIA.

"CHAPTER IIA

THE DRUGS AND COSMETICS PRICE (CONTROL, REGULATE, MONITORING) AUTHORITY

7B. The Central Government shall, by notification in the Official Gazette, establish, with effect from such date as may be specified therein, within six months from the date of commencement of this Act an Authority to be known as the Drugs and Cosmetics Price (Control, Regulate, Monitoring) Authority to exercise the jurisdiction, powers and authority conferred on such Authority by or under this Act.

Establishment of the Drugs and Cosmetics Price (Control, Regulate, Monitoring) Authority.

7C. (1) The Authority shall consist of—

Composition of Authority.

(a) a full time Chairperson; and

(b) not less than five but subject to maximum of ten full time expert members from different fields and not more than one from the same field to be appointed by the Central Government in such manner as may be prescribed.

(2) The Chairperson of the Authority may, if he considers necessary, invite any one or more persons having specialized knowledge and experience in a particular drug of cosmetic before the Authority to assist the Authority in that case.

(3) The Headquarters of the Authority shall be at New Delhi and the Authority may establish its offices at other places in the States and Union territories as it may deem necessary for carrying out the purposes of this Act.

7D. The Authority shall—

Functions of the Authority.

(a) control, regulate and monitor the price of drugs and cosmetics;

(b) ensure the availability of drugs and cosmetics at reasonable and affordable price;

(c) analyze the quality, composition of drugs and cosmetics.

(d) calculate the price of drugs and cosmetics at various levels such as manufacturer, wholesale dealer, retail dealer and retail shops, pharmacies, margin to retailer and maximum retail price including all taxes and levies;

(e) for ceiling price of a scheduled formulation in case of no reduction in price due to absence of competition.

(f) regulate, control and monitor, import, export, patent or proprietary of medicine, manufacturer, margin to retailer, market based data, maximum retail price, moving annual turnover, national list of essential medicines, new drug, pharmaco economics, price list, price to retailer, retail price, retailer, wholesaler and whole sale price index;

(g) calculate ceiling price of rise of drugs, calculation of retail price of new drugs for existing manufacturers, ceiling price of drugs in case of no reduction in price due to absence of competition, fix margin to retailer, maximum retail price, market base data, ceiling price or retail price of a pack and all other matters require for fix, regulate and monitor the price of drugs.

(h) maintain records and production thereof for inspection, power of entry search and seizure;

(i) prepare schedule of medicines;

(j) suspend, cancel and terminate the license for manufacture and sale;

(k) suspend, cancel and terminate the regulation or manufacturer and seller of drugs and cosmetics;

(l) levy fine on the defaulters: or

(m) undertake such other functions as may be assigned to it, from time to time:

Provided that a person shall not be qualified for appointment as the Chairman of the Authority, unless he is, or has been, a Judge of the Supreme Court of India or Chief Justice of a High Court:

Provided also that a person shall not be qualified for appoint as full time expert member unless he is, or has been, a Director General of Health Services, Drugs Controller of India, Director of the Central Drugs Laboratory, Director of All India Institute of Medical Sciences, Director of Medical Education, Director of Central Research Institute (Drugs and Pharmaceuticals), Director of Indian Veterinary Research Institute, President, Medical Council of India, President, Pharmacy Council of India, Director of Medical, Research and Technology Institute constituted as per the law enacted by the Parliament, Director, Chemical and Pharmaceuticals of India, Government Analyst and Pharmacologist from Indian Council of Medical Research.

Term of office and other conditions of service of Chairperson and Expert Member.

7E. The Chairperson and expert member of the Authority shall hold office as such for a term of five years from the date on which he enters upon his office, but shall not be eligible for re-appointment:

Provided that in case a person, who is or has been a Judge of the Supreme Court, has been appointed as Chairperson of the Authority, he shall not hold office after he has attained the age of seventy years:

Provided further that in case a person, who is or has been the Chief Justice of a High Court, has been appointed as Chairperson of the Authority, he shall not hold office after he has attained the age of sixty-seven years:

Provided also that no expert member shall hold office after he has attained the age of sixty-five years.

Resignation.

7F. The Chairperson and expert member of the Authority may, by notice in writing under his hand addressed to the Central Government, resign from his office.

Salaries, allowances and other terms and conditions of service.

7G. The salaries and allowances payable to, and the other terms and conditions of service (including pension, gratuity and other retirement benefits) of, the Chairperson and expert member of the Authority shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson and expert Member shall be varied to their disadvantage after their appointment.

Removal and Chairperson and expert member.

7H. The Central Government may, in consultation with the Chief Justice of India, remove from office of the Chairperson of the Authority, who,—

(a) has been adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) The Chairperson shall not be removed from his office except by an order made by the Central Government after an inquiry made by a Judge of the Supreme Court in which

such Chairperson has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(3) The Central Government may suspend from office the Chairperson in respect of whom a reference of conducting an inquiry has been made to the Judge of the Supreme Court until the Central Government passes an order on receipt of the report of inquiry made by the Judge of the Supreme Court on such reference.

(4) The Central Government may, by rules, regulate the procedure for inquiry referred to in sub-section (2).

(5) The expert member may be removed from his office by an order of the Central Government on the grounds specified in sub-section (1) and in accordance with the procedure as may be notified by the Central Government:

Provided that the expert member shall not be removed unless he has been given an opportunity of being heard in the matter.

7I. In the event of the occurrence of any vacancy in the office of the Chairperson of the Authority, by reason of his death, resignation or otherwise, the Central Government may, by notification, authorise in this behalf, shall as the Chairperson until the date on which a new Chairperson is appointed in accordance with the provisions of this Act.

To act as Chairperson of Authority or to discharge his functions in certain circumstances.

7J. (1) The Central Government shall appoint such number of officers and other employees to the Authority to assist the discharge of its functions.

Officers and Staff of Authority.

(2) The recruitment of the officers and other employees of the Authority shall be made by the Chairperson in such manner as may be prescribed.

(3) The officers and other employees of the Authority shall discharge their functions under the general superintendence of the Chairperson.

(4) The salaries and allowances and conditions of service of the officers and other employees of the Authority shall be such as may be prescribed.

7K. The Chairperson of the Authority shall exercise such financial and administrative powers as may be vested in him under the rules made by the Central Government:

Financial and administrative powers of Chairperson.

Provided that the Chairperson may delegate such of financial and administrative powers, as he may think fit, to any expert member or an officer of the Authority subject to the condition that the member or such officer, while exercising such delegated power, continues to act under the direction, control and supervision of the Chairperson.

7L. The Authority shall have the jurisdiction to settle dispute regarding fixation, control, regulation, monitoring of drugs and cosmetics.

Authority to settle disputes.

(2) No application for adjudication of dispute under this section shall be entertained by the Authority unless it is made within a period of six months from the date on which the cause of action for such dispute first arose:

Provided that the Authority may, if it is satisfied that the applicant was prevented by sufficient cause from filing the application within the said period, allow it to be filed within a further period not exceeding sixty days.

7M. The decision of the Authority by majority of Members present and voting shall be binding:

Decision to be taken by majority.

Provided that if there is a difference of opinion among the Members hearing an application, the opinion is equally divided, the Chairperson shall hear (if he has not heard earlier such application) such application and decide:

Provided further that where the Chairperson himself has heard such application along with other members of the Authority, and if there is a difference of opinion among the Members in such cases and the opinion is equally divided, he shall refer the matter to other Members of the Authority who shall hear such application and decide.

Appeal to
Supreme
Court.

7N. any person aggrieved by any decision or order of the Authority, may, file an appeal to the Supreme Court, within ninety days from the date of communication of the decision or order of the Authority, to him, on any one or more of the grounds specified in section 100 of the Code of Civil Procedure, 1908 (5 of 1908):

Provided that the Supreme Court may entertain any appeal after the expiry of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal.

Cost.

7O. (1) While disposing of an application under this Act, the Authority shall have power to make such order as to costs, as it may consider necessary.

(2) Where the Authority holds that a claim is not maintainable, or is false or vexatious, and such claim is disallowed, in whole or in part, the Authority may, if it so thinks fit, after recording its reasons for holding such claim to be false or vexatious, make an order to awards costs, including lost benefits due to any interim injunction.

Deposit of
amount
payable for
damage to
environment.

7P. Where any amount by way of fine, compensation or relief is ordered to be paid under any order made by the Authority on the ground of any damage, that amount shall be remitted to the authority.

(2) The amount of fine or compensation or relief credited in the Authority under sub-section (1), may, notwithstanding anything contained in the Public Liability Insurance Act, 1991 (6 of 1991) be utilized for the treatment and welfare of such persons as prescribed.

Execution of
order or
decision of
Authority.

7Q. An award or order or decision of the Authority under this Chapter shall be executable by the Authority as a decree of a civil court, and for this purpose, the Authority shall have all the powers of a civil court.

(2) Notwithstanding anything contained in sub-section (1), the Authority may transmit any order or award made by it to a civil court having local jurisdiction and such civil courts shall execute the order or award as if it were a decree made by that court.

(3) Where the person responsible, for death of, or injury to any person or damage against whom the order is made by the Authority, fails to make the payment or deposit the amount as directed by the Authority within the period so specified in the order, such amount, without prejudice to the filing of complaint for prosecution for an offence under this Act, or any other law for the time being in force, shall be recoverable from the aforesaid person as arrears of land revenue or public demand.

Penalty for
failure to
comply with
orders of
Authority.

7R. Whoever, fails to comply with any order or decision of the Authority under this Act, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to twenty crore rupees, or with both and in case the failure or contravention continues, with additional fine which may extend to fifty thousand rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention:

Provided that in case a company fails to comply with any order or award or a decision of the Authority under this Act, such company shall be punishable with fine which may extend to thirty crore rupees, and in case the failure or contravention continues, with additional fine which may extend to two lakh rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) every offence under this Act shall be deemed to be non-cognizable within the meaning of the said Code.

7S. (1) Where any offence under this Chapter has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by
companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

an offence under this Act has been committed by the company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means anybody corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

7T. (1) where any Department of the Government fails to comply with any order or award or decision of the Authority under this Chapter, the Head of the Department shall be deemed to be guilty of such failure and shall be liable to be proceeded against for having committed an offence under this Chapter and punished accordingly:

Offences by
Government
Department.

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Chapter has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

7U. (1) With effect from the date of establishment of the Authority under this Chapter, no civil court shall have jurisdiction to entertain any dispute in respect of any matter, which the Authority is empowered to determine under its jurisdiction.

Bar of
jurisdiction.

(2) No civil court shall have jurisdiction to settle dispute or entertain any question relating to any claim for granting any relief or compensation which may be adjudicated upon by the Authority, and no injunction in respect of any action taken or to be taken by or before the Authority in respect of the settlement of such dispute or granted by the civil court.

7V. (1) No court shall take cognizance of any offence under this Chapter except on a complaint made by—

Cognizance of
offences.

(a) the Central Government or any authority or officer authorised in this behalf by that Government; or

(b) any person who has given notice of not less than sixty days in such manner as may be prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorised as aforesaid.

(2) No court inferior to that of a Metropolitan Magistrate or, a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Members and staff of Authority to be public servants.

7W. The Chairperson, and Expert Members, officers and other employees of the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Protection of action taken in good faith.

7X. (1) No suit or other legal proceeding shall lie against the employees of the Central Government or a State Government or any statutory authority, for anything which is in good faith done or intended to be done in pursuance of this Chapter or any rule or order made there under.

(2) No suit, prosecution or other legal proceeding shall lie against the Chairperson or Expert Member of the Authority or any other person authorised by the Chairperson or the Expert Member for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made there under.

Act to have overriding effect.

7Y. The provisions of this Act, shall have effect notwithstanding anything inconsistent contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to make rules.

7Z. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of thirty days as aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, prejudice to the validity of anything previously done under the rule.

Power to amend Schedule.

7ZA. (1) The Central Government may, by notification, amend the Schedule by including therein any other Act, enacted by Parliament having regard to the objective of fix, control, regulate and monitor the price of drugs and cosmetics there from on the date of publication of such notification, such Act shall be deemed to be included in or, as the case may be, omitted from the Schedule.

(2) A copy of every notification proposed to be issued under sub-section (1), shall be laid in draft before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.

Power to remove difficulties.

7ZB. (1) If any difficulty arises in giving effect to the provisions of this Chapter, the Central Government, may, with the consent of the Chairman of the Authority by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as may appear to it to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament."

STATEMENT OF OBJECTS AND REASONS

The price of drugs and cosmetics is increasing. Manufacturing companies, dealers and retailers are not providing drugs and cosmetics in reasonable price. Even the life saving medicines are not available in the market in a reasonable price. This sector becomes a profit making sector without considering the life and health of people. There are no criteria fixed for fixing the price of drugs and cosmetics. The existing system is regulation, control and monitoring of the price of drugs and cosmetics. It is also important to make available the medicines at affordable prices. The mechanism introduced by the existing system was flouted. The branded drugs and cosmetics are marketing without scientific and systematic system for regulate, control and monitoring. Even though the Drugs and Cosmetics Act, 1940 is there to regulate the import, manufacture, distribution and sale of drugs and cosmetics, but, it had not yield the desired results.

The Bill, therefore, seeks to amend the Drugs and Cosmetics Act, 1940 with a view to establish the Drugs and Cosmetics Price (Control, Regulate and Monitoring) Authority to—

- (a) control, regulate and monitor the price of drugs and cosmetics;
- (b) ensure the availability of drugs and cosmetics at reasonable and affordable price;
- (c) analyze the quality, composition of drugs and cosmetics;
- (d) calculate the price of drugs and cosmetics at various levels such as manufacturer, wholesale dealer, retail dealer and retail shops, pharmacies, margin to retailer and maximum retail price including all taxes and levies;
- (e) for ceiling price of a scheduled formulation in case of no reduction in price due to absence of competition;
- (f) regulate, control and monitor, import, export, patent or proprietary of medicine, manufacturer, margin to retailer, market based data, maximum retail price, moving annual turnover, national list of essential medicines, new drug, pharmaco economics, price list, price to retailer, retail price, retailer, wholesaler and wholesale price index;
- (g) calculate ceiling price of rise of drugs, calculation of retail price of new drugs for existing manufacturers, ceiling price of drugs in case of no reduction in price due to absence of competition, fix margin to retailer, maximum retail price, market base data, ceiling price or retail price of a pack and all other matters require for fix, regulate and monitor the price of drugs.
- (h) maintain records and production thereof for inspection, power of entry search and seizure;
- (i) prepare schedule of medicines;
- (j) suspend, cancel and terminate the licence for manufacture and sale;
- (k) suspend, cancel and terminate the regulation of manufactures and seller of drugs and cosmetics;
- (l) levy fine on the defaulters; or
- (m) undertake such other functions as may be assigned to it, from time to time.

Hence this Bill.

NEW DELHI;
November 27, 2017.

N.K. PREMACHANDRAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Drugs and Cosmetics Price (Control, Regulate, Monitoring) Authority. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore may involve as recurring expenditure per annum. A non-recurring expenditure to the tune of rupees ten crore is also likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill *vide* proposed section 7Z empowers the Central Government to make rules for carrying out the purpose of this Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 227 OF 2017

A Bill further to amend the Indian Medical Council Act, 1956.

BE it enacted by Parliament in the Sixty-eighth year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Medical Council (Amendment) Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

102 of 1956.

2. After section 10D of the Indian Medical Council Act, 1956 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of
new section
10E.

"10E. (1) The Central Government shall, by notification in the Official Gazette, constitute an Admission and Fee Regulatory Authority (hereinafter referred to as the Authority) for the supervision and guidance of admission process and for fixation of fee and other amounts to be charged from the candidates seeking admission in medical institutions at under graduate and post-graduate level, other than those promoted and maintained by the Central or the State Government, in such manner as may be prescribed.

Constitution of
Admission and
Fee Regulatory
Authority.

(2) The Authority shall—

(a) ensure that the admission to medical institutions be made with its prior approval;

(b) fix the fees and other amounts to be charged from the candidates by the medical institutions in such manner as may be prescribed.

(c) restrict admission of candidates to the medical institutions who fail to pay prescribed fee and other amount charged within one month of the date of admission scheduled for such medical institutions."

Amendment of
section 33.

3. In section 33 of the principal Act, after clause (mb), the following clause shall be inserted, namely:—

"(mc) the Admission and Fee Regulatory Authority, fixation of fees and other amounts charged in medical institutions;"

STATEMENT OF OBJECTS AND REASONS

The Indian Medical Council Act, 1956 was enacted for the purpose of reconstituting the Medical Council of India (hereinafter referred to as the Council) and to provide for the maintenance of the Indian Medical Register and for matters connected therewith.

The Act confers upon the Council the responsibility of maintenance of the highest standards of medical education throughout the country. In pursuance of the responsibility, the Council makes its recommendations to the Central Government for matters related to the courses of study, examination to be undertaken for such qualifications and inspection of examinations, etc.

The Government of India made it mandatory that all admissions to medical and dental seats in all Government colleges, deemed Universities and private medical colleges be made only through National Eligibility Cum Entrance Test list strictly on merit.

However, there were reports of malpractices by various medical educational institutions to tide over the admission procedures and charging of exorbitant fees. A legislation is required for the regulation of admission and fixation of fee in such medical institutions.

The Bill, therefore, seeks to amend the Indian Medical Association, 1956 with a view to establish an Admission and Fee Regulatory Authority to fix the fee and other amounts charged in medical institutions.

Hence this Bill.

NEW DELHI;
November 27, 2017.

N.K. PREMACHANDRAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for constitution of the Admission and Fee Regulatory Authority by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Council to make regulations regarding the fixation of fees and other amounts charged by the medical institutions. As the regulations will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 263 OF 2017

A Bill to provide for the establishment of an Agricultural Produce Price Fixation Board to fix the remunerative support price of agricultural produce including fruits and vegetables on annual and seasonal basis and timely intervention by the Government at the time of steep fall in prices of such produce in the open market and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Agricultural Produce (Remunerative Support Prices and Miscellaneous Provisions) Act, 2017.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Agricultural produce” includes wheat, paddy, pulses, sugarcane, cotton, oil seeds, coarse grains like maize, millet, jowar, bajra, gram, soyabean, fruits and

vegetables such as potato, onion, tomato, cauliflower, cabbage including such other agricultural or horticultural produce which are used for human consumption or for any medicinal purposes;

(b) "appropriate Government" means in the case of a State, the State Government and in the other cases, the Central Government;

(c) "Board" means the Agricultural Produce Price Fixation Board established under section 3;

(d) "Government agency" means and includes any agency of the Government by whatever name called or which receives grants from the Government and which is engaged in procurement, distribution and canalising agricultural produces; and

(e) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, as soon as may be, but not later than six months from the date of commencement of this Act, by notification in the Official Gazette, establish a Board to be known as Agricultural Produce Price Fixation Board.

Establishment
of an
Agricultural
Produce Price
Fixation
Board.

(2) The Headquarters of the Board shall be at Hyderabad in the State of Andhra Pradesh.

(3) The Board shall consist of:—

(a) A Chairperson and a Deputy Chairperson with agricultural background and holding agricultural qualifications, to be appointed by the Central Government;

(b) one member from each zonal office of the Board;

(c) one member each to represent the Union Ministries dealing with Agriculture, Consumer Affairs, Food and Public Distribution, Food Processing Industries and Chemicals and Fertilisers;

(d) one member to represent the Indian Council of Agricultural Research;

(e) four members to be appointed by the Central Government from amongst the farmers and agricultural labourers, in rotation from various States; and

(f) four members of Parliament, of whom two shall be from Lok Sabha and two from Rajya Sabha, to be nominated by the Presiding Officers of the respective Houses.

(4) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose off property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(5) The Board shall set up one zonal office each in the eastern, western, northern, north eastern, central and southern parts of the country comprising of such States and Union territories, as may be determined by the Board and each zonal office shall consist of such members as may be prescribed.

(6) The term of office of the Chairperson, Deputy Chairperson and the manner of filling vacancies and the procedure to be followed in the discharge of their functions shall be such as may be prescribed.

4. (1) The Board shall,—

Functions of
the Board.

(i) fix and declare minimum remunerative support prices of agricultural produce before every sowing season after examining the recommendations of all the zonal offices:

Provided that different prices may be fixed for different produce and for different zones;

(ii) fix the issue prices of foodgrains for retail sale to consumers every year.

(2) The Board shall perform its functions in close liaison with Government agencies, institutions including co-operative societies and such other authorities concerned with the procurement, supply, distribution, trade of agricultural produce and avoid duplication of efforts.

(3) The Board shall give wide publicity to the remunerative prices fixed for agricultural produce through electronic and print media throughout the country.

Function of the zonal office.

5. (1) It shall be the duty of each zonal office of the Board to recommend to the Board the remunerative support prices of agricultural produce in respect of its jurisdiction.

(2) Every zonal office of the Board, before recommending the minimum support remunerative prices of agricultural produce, shall take into account all relevant factors, but in particular, the following, namely:—

(a) average capital investment made by farmers in growing the produce;

(b) average labour charges;

(c) interest on loans borrowed for growing the produce;

(d) premium for crop insurance, if any;

(e) maintenance cost of the land;

(f) expenditure on fertilizers, seeds and electricity, etc.;

(g) any concession, rebate or subsidy provided by Government in relation to agricultural produce;

(h) prevailing open market price of each product;

(i) climatic conditions and incidence of natural calamities like floods, droughts, hailstorms, cyclones and untimely rains; and

(j) average monthly household expenditure of an average farmer.

Government agencies to purchase agricultural produce.

6. (1) In case any farmer fails to sell his produce in the open market at the desired prices, the Central Government shall purchase his produce at the price fixed by the Board through Government agencies.

(2) If there is a steep fall in the prices of agricultural produce in the open market, it shall be the duty of the appropriate Government to intervene through its agencies in the market to ensure that farmers shall get minimum support price of the produce and take such other measures as it may deem necessary to handle the situation and protect the interests of the farmers.

Appeal to Central Government regarding price fixation.

7. (1) If any farmer is not satisfied with the declaration of price fixed for any agricultural produce, he may file an appeal to the Central Government within thirty days for reviewing of such price.

(2) The Central Government shall give its decision within fifteen days from the date of filing of such appeal.

Central Government to provide funds.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Board for carrying out the purpose of this Act.

Act to have overriding effect.

9. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our country, the farmer and his family entirely depends on the crop he grows and reaps. The crop is the result of his hard work and his expectations are always for the remunerative prices so that he could repay the loans which he borrowed for growing agricultural produce and to meet social obligations and household expenditure. But unfortunately, it is an usual phenomenon that in the immediate post harvest period the prices of most of the agricultural produce decline very sharply and farmers are left high and dry and at the mercy of unscrupulous traders who exploit them to the maximum possible.

Similarly, it is now very common that whenever there is bumper crop of anything, be it foodgrains or vegetables, the prices of such items fall very steeply. For instance when there is bumper crop of any commodities, their prices fall to the extent that the growers have no choice but to throw them on the roadsides and it has been noticed that the farmers sometimes burn their sugarcane on the fields. But even the Government does not come to their rescue. Hence, there is an urgent need to provide that Government should intervene at such times to protect the interests of the farmers.

The Agricultural Ministry of the Union Government fixes the minimum support prices of agricultural produce but generally such prices are not realistic ones and there has always been discontentment amongst the farmers regarding such prices because they remain far below the expectations of the farmers. It is, therefore, necessary to set up a statutory autonomous Agricultural Produce Price Fixation Board and including therein the representatives of the farmers and agricultural labourers to fix the remunerative prices for agricultural produce taking into consideration all the aspects. It will also be mandatory for the Government to purchase agricultural produce from the farmers through their agencies. It is felt that the guarantee of a minimum assured price will further give the requisite boost to our agriculture sector and our farmer will prosper which he really deserves.

Hence this Bill.

NEW DELHI;
November 29, 2017.

SUKHBIR SINGH JAUNAPURIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Agricultural Produce Price Fixation Board. It further provides for setting up of zonal offices. Clause 4 provides that the Board shall give wide publicity through electronic and print media about the prices fixed. Clause 6 provides that the Central Government shall purchase agricultural produce at the prices fixed by the Board. Clause 8 provides for payment of adequate funds to the Board for carrying out the purposes of the Act. The Bill, therefore, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore may be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees one thousand crore may also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to the matters of detail only the delegation of legislative power is, of a normal character.

BILL NO. 252 OF 2017

A Bill for protection of rights of consumers against marketing of products and services through e-commerce/telephone/digital methods and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth year of the Republic of India as follows:—

1. (1) This Act may be called the E-commerce (Regulation) Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "e-commerce selling" means selling of products or services by digital means including internet, websites, dialing a telephone number advertised for the purpose in television, newspapers, magazines, hoarding and posters;

(b) "observation period" means a fixed time period given to a consumer to examine the products purchased or services availed by him through e-commerce selling without inviting any liabilities; and

(c) words and expressions, used but not defined under this Act, shall have the same meaning as assigned to them under the Consumer Protection Act, 1986.

Right of consumer to return the product or service purchase through e-commerce.

3. (1) Every consumer who purchases any product or opts for any service through e-commerce selling shall have an observation period of fifteen days from the date of receiving such product or service.

(2) The consumer shall have the right to return the product or the service to the company offering the same within the observation period if he is not satisfied with the quality and performance of the product or service, without giving any reason for returning the product or refusing the service.

(3) The company which has offered the products or services shall refund the full amount, if any, charged for the same within seven working days from the date of return of product or refusal of service by the consumer within the observation period.

Explanation.—For the purpose of this sub-section "full amount" includes the packaging cost, delivery cost and the cost of returning the product.

(4) Every consumer shall have the right to get a full refund of money including the delivery charges, the cost of return or the installation charges, if the products or services on purchase are found to be faulty.

Companies to give full and clear information to consumer regarding products and services.

4. (1) Every company shall give full and clear information including manufacturing date, expiry or best before date, about the products and the services being offered through e-commerce selling mode.

(2) Any condition, agreement or contract whatsoever, shall not be enforceable by the company unless it gives the required information to the consumer, prior to purchase of the product or services.

Penalty.

5. (1) Whoever contravenes the provisions of this Act and the rules made thereunder shall be punishable with imprisonment for a term, which may extend upto one year or with fine, which may extend upto ten lakh rupees or with both.

(2) Where a person committing a contravention off any of the provisions of this Act or of any rule, made thereunder is a company, every person who, at the time the contravention was committed, was in-charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such person liable to punishment, if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

Explanation.—for the purpose of this section:—

(i) "company" means anybody corporate and include a firm or other association of individuals; and

(ii) "director", in relation to a firm, means a partner in the firm.

Power to remove difficulties.

6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

7. The provisions of this Act shall be in addition to, and not in derogation of the provisions in any other law, for the time being in force, relating to e-commerce selling.

Act not in
derogation of
other laws.

8. (1) The Central Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act.

Power to make
rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

With the passage of time and advancement in technology, the concept of buying goods and services has undergone a tremendous change. India has an internet users base of about 450 million as of July 2017. According to a study done by the Indian Institute of e-Commerce, by 2020 India is expected to generate \$100 billion online retail revenue out of which \$35 billion will be through fashion e-commerce. Online apparel sales are set to grow four times in coming years. A new sector in e-commerce is online selling of complementary and alternative medicine or prescription medicine. People are buying various goods without even having seen or felt them. The technology has also shrunk the world as the goods manufactured, anywhere in the globe, are available to a person just by clicking on e-commerce website portals or by making a telephone call. The manufacturer of various goods are just flashing out their advertisements in e-commerce websites or telephone numbers in television, newspapers, magazines, hoarding, posters, etc. for the purpose of inviting customers to purchase their goods and services. In view of the fact that the person who is buying goods or services through this e-commerce selling does not get any chance of a face to face contact with the person selling the goods and the opportunity to feel or examine it, hence there are chances that he may fall into a false trap. Many cases have been reported of this nature where the goods and services purchased by an individual do not match in quality and appearance with those displayed on television, magazines, hoarding, etc. In such cases, if the customer wants to return those goods or services, the supplier would not oblige him and he has no legal backing to do so.

Many countries have enacted laws on e-commerce in order to protect the rights of the customers. The year 2007 is regarded as the birth year of the Indian e-commerce industry, but as of now, there is no law on e-commerce selling in our country. With a view to protect the rights of the customers opting for e-commerce selling in our country, there is an urgent need to have such a law.

The Bill, therefore, seeks to provide for the rights of the customer to return the goods or services purchased through e-commerce within the observation period of fifteen days without inviting any liabilities and imposing duties on the companies to provide full, fair and complete information to the customer while selling goods and services through e-commerce selling.

Hence this Bill.

NEW DELHI;
November 27, 2017.

SHIVAJI ADHALRAO PATIL

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 273 OF 2017

A Bill to provide for the protection from exploitation and anti-labourers practices of the agricultural and other unorganized workers and for the welfare measures to be implemented by the Central and State Governments for such workers by way of establishing a Welfare Authority alongwith a Welfare Fund to ensure minimum wages, pension and provident facilities, compensation in case of accidents, maternity and creche facilities and medical care to the women workers and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural and other Unorganized Workers (Protection and Welfare) Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "agricultural worker" means a person who works as a labourer on hire or in exchange whether in cash or kind or partly in cash and partly in kind working, in any of the agricultural operations of other person or employer;

(b) "appropriate Government" means in the case of a State, the Government of that State, and in other cases, the Central Government:

(c) "Authority" means the Agricultural and Other Unorganized Workers Welfare Authority established under section 3:

(d) "employer" means any person who employs whether directly or through any other person or contractor, whether on behalf of himself or on behalf of any other person, one or more worker for any work or the work connected with the agricultural or horticulture operations;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "unorganized workers" means those workers who are unreorganized and are not member of any labour trade unions and hired to do any work by any other person or employer;

(g) "Welfare Fund" means the Agricultural and Other Unorganized Workers Welfare Fund established under this Act.

Establishment
of the
Agricultural
and Other
Unorganized
Workers
Welfare
Authority.

3. (1) For the purposes of this Act, the Central Government shall, as soon as may be but within six months from the commencement of this Act, by notification in the Official Gazette, establish the Agricultural and Other Unorganized Workers Welfare Authority.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The headquarters of the Authority shall be at Pune in the State of Maharashtra and the Authority may establish offices at other places in the country as it may deem necessary for carrying out the purposes of this Act.

(4) The Authority shall consist of the following members, namely:—

(a) a Chairperson to be appointed by the Central Government having the background and authority of labour related issues or of a farmer or of the judiciary;

(b) a Deputy Chairperson to be appointed by the Central Government having such qualification as may be prescribed;

(c) five members of Parliament of whom three shall be from Lok Sabha and two from the Rajya Sabha to be nominated by the respective Presiding officers of the Houses;

(d) four members to be appointed by the Central Government to represent the Union Ministries of Agriculture and Farmers Welfare, Labour and Employment, Finance and Rural Development, respectively;

(e) four members to be appointed by the Central Government from amongst the agricultural and other unorganized workers covered under this Act;

(f) four members to be nominated by the Governments of the States to be rotated amongst the States in alphabetical order.

(5) The term of office of the Chairperson, Deputy Chairperson and members of the Authority and the procedure to be followed in the discharge of the functions of the Authority shall be such, as may be prescribed.

(6) The Authority shall have a Secretariat with such officers and members of staff and with such terms and conditions of services as may be prescribed from time to time.

Functions of
the Authority.

4. (1) It shall be the duty of the Authority to promote and undertake by such measures as it thinks fit or deem necessary and expedient, welfare measures for the agricultural and other unorganised workers.

(2) Without prejudice to the generality of the provisions of sub-section (1) the measures referred to therein may provide for:—

- (a) maintaining district-wise register of all the agricultural and other unorganised workers with such particulars and in such manner, as may be prescribed;
- (b) maintaining land records from village level to district level in such manner as may be prescribed;
- (c) maintaining district-wise register of employers employing agricultural workers of unorganised workers, as the case may be, with such particulars and in such manner as may be prescribed;
- (d) making available of work round the year to the agricultural and other unorganised workers;
- (e) maintaining district-wise list of physicians and clinics and hospitals recognised for treatment, both indoor and outdoor facilities, of agricultural and other unorganised workers;
- (f) maternity and creche facilities for the female agricultural and other unorganised workers covered under this Act;
- (g) payment of old age pension to the agricultural and other unorganised workers;
- (h) provident fund facility to the agricultural and other unorganised workers;
- (i) educational facilities for the children of agricultural and other unorganised workers;
- (j) insurance cover for the agricultural and other unorganised workers for such works and in such manner as may be prescribed; and
- (k) such other provisions as the Authority may deem necessary for the purposes of this Act.

5. (1) The Central Government shall, by notification in the Official Gazette, establish the Agricultural and other Unorganised Workers Welfare Fund for the purposes of this Act with initial corpus of rupees two thousand crore to be provided by the Central Government by due appropriation made by law by Parliament in this behalf and thereafter the Central Government, State Governments and the employers shall contribute to the Welfare Fund to such extent and in such manner, as may be prescribed.

Establishment of the Agricultural and other Unorganised Workers Welfare Funds.

(2) The Welfare Fund may also receive moneys from Corporate houses, financial institutions both domestic and international ones, individuals and bodies in the form of contributions or donations.

(3) All moneys received in the Welfare Fund shall be utilized for the welfare of the Agricultural and other unorganised workers by the Authority in such manner as may be prescribed from time to time.

6. Notwithstanding anything contained in any other law for the time being in force:—

Provisions relating to employers.

- (a) no employers shall engage any agricultural worker or other unorganised worker, as the case may be, unless such worker has registered himself with the Authority;
- (b) every employer shall pay minimum wages to the worker engaged by him or such wages in cash or kind as may be voluntarily agreed by such worker;
- (c) no employer shall deduct the wages of his worker in case he meets with an accident, or falls ill or has to take leave for maternity purposes.

Funds of the Authority.

7. The Central Government shall provide, after due appropriation made by Parliament by law in this behalf requisite funds for the expenditures of the Secretariat and other purposes of this Act from time to time.

Appropriate Government to ensure compliance of the provisions.

8. It shall be the duty of the appropriate Government to provide necessary assistance to the Authority in executing the provisions of this Act within the territorial jurisdiction of such Governments.

Annual Report.

9. The Authority shall submit an Annual Report in such form and in such manner as may be prescribed, of its activities pertaining to welfare of agricultural and unorganised workers covered under this Act to the President of India, who shall cause the Report to be laid before both the Houses of Parliament along with action taken by the Central Government thereon after its receipt, as soon as may be.

Penalty.

10. Notwithstanding anything contained in any other law for the time being in force whoever contravenes any of the provisions of this Act shall be guilty of an offence and shall be punishable with simple imprisonment, which shall not be less than three months but may extend to one year and also with fine which may extend to two lakh rupees.

Act to supplement other laws.

11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

According to National Commission for Enterprises in the Unorganised Sector, Unorganised Sector as consist of all unincorporated private enterprises owned by individuals or households engaged in the sale or production of goods and services operated on a proprietary or partnership basis and with less than ten total workers. Amongst the characteristic features of this sector are ease of entry, smaller scale of operation, local ownership, uncertain legal status, labour-intensive and operating using lower technology based methods, flexible pricing, less sophisticated packing, absence of a brand name, unavailability of good storage facilities and an effective distribution network, inadequate access to government schemes, finance and government aid, lower entry barriers for employees, a higher proportion of migrants with a lower rate of compensation. Employees of enterprises belonging to the unorganised sector have lower job security and poorer chances of growth, and no leaves and paid holidays, they have lower protection against employers indulging in unfair or illegal practices.

It has rightly been said that our country lives in villages because nearly 80 per cent of our country's population is living in the rural areas and in one way or the other depends on agriculture. The agricultural workers who are unorganized too constitute majority of rural labour in the country. Similarly, the unorganized workers of both the urban and rural areas constitute the major chunk of the working classes in the country. Unfortunately, the agricultural workers and other unorganized workers remain exploited and hapless. It has been observed that whereas the organized workers through their Trade Unions manage in most of the cases to get their genuine demands fulfilled from their employers but the unorganized workers can not even think of getting their reasonable and just demands like minimum wages, availability of work round the year, pension, PF, maternity benefits, creche, medical care, accident insurance, etc. fulfilled by their employers. They don't even get two square meals and remain hand to mouth and indebted throughout their lives. Their condition in the society is going from bad to worse every day and there is no legal protection for these poor workers. The Central Government has introduced a Bill for the protection of unorganized workers in Parliament, but it does not cover the entire gamut of the unorganized workers and it will take its own time to become an Act of Parliament and its commencement. Since our democracy is wedded to Welfare State it is high time that the unorganized workers too get their share in the development of the nation and State should implement various welfare measures for them by establishing an independent Authority for the purpose and extend all possible legal protections to the vast section of the society.

Hence this Bill.

NEW DELHI ;
27 November, 2017

SHIVAJI ADHALRAO PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Agricultural and other Unorganised Workers Welfare Authority. Clause 5 of the Bill provides for the Agricultural and other Unorganised Workers Welfare Fund with initial corpus of rupees two thousand crore to be provided by the Central Government. Clause 7 of the Bill makes it obligatory for the Central Government to provide requisite funds from time to time. The Bill, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees thirty thousand crore India per annum.

A sum of rupees three thousand crore may also involve as non-recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of details only the delegation of legislative power is of a normal character.

BILL NO. 256 OF 2017

A Bill to provide for the financial compensation, relief and rehabilitation to the victims and their dependents affected by terrorist violence of naxalites, maoists and other terrorist outfits operating in various parts of the country including those supported, sponsored and financed from across the borders through employment and other means and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Victims of Terrorism (Compensation and Miscellaneous Provisions) Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "dependent" includes spouse, children and aged parents who are, dependent on the deceased victim of terrorism violence;

(c) "prescribed" means prescribed by rules made under this Act;

(d) words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860, Code of Criminal Procedure, 1973 and the Unlawful Activities (Prevention) Act, 1967 shall have the meanings respectively assigned to them in those Acts.

45 of 1860.
2 of 1974.
37 of 1967.

Relief to dependent of a citizen.

3. Notwithstanding anything contained in any other law for the time being in force the appropriate Government shall give relief to the dependents of a citizen who is killed in terrorist violence of naxalite or maoist or by any terrorist outfit, whatever name called by,—

(a) paying an ex-gratia grant of compensation of an amount which shall not be less than five lakh rupees in such manner, as may be prescribed; and

(b) giving financial assistance at the rate of two thousand rupees per mensem to the old and minor dependents of the victim for such period and in such manner as may be prescribed.

Compensation to Survivors of terrorist attack.

4. Any citizen who survives the attack of terrorists but receives severe injuries thereby permanently incapacitating him or otherwise shall be given compensation by the appropriate Government by,—

(a) bearing the entire costs of his medical treatment; and

(b) paying ex-gratia grant of compensation of not less than two lakh rupees, in such manner as may be prescribed.

Rehabilitation package to the victims of terrorism.

5. It shall be the duty of the appropriate Government to formulate rehabilitation package for the victims of terrorism violence by way of providing employment, vocational training, self employment and such other measures as that Government may deem fit and necessary for the purposes of this Act.

Compensation for other losses.

6. (1) Notwithstanding anything contained in any other law for the time being in force, where a dwelling house of any citizen is destroyed or damaged due to torching, bombing or any other acts of terrorists, the appropriate Government shall,—

(a) provide a dwelling house or bear the entire cost of construction, or repair or construct the house at the same place or elsewhere, as the case may be, as per the choice or preference of the victim in such manner as may be prescribed;

(b) allot a plot of appropriate size to the victim near the city free of cost and bear the cost of construction of a dwelling house thereon in such a manner as may be prescribed.

(2) Where the livestock of a citizen is killed or the standing crop or orchard is destroyed by the terrorists violence, the appropriate Government shall pay adequate and appropriate financial compensation to the owner of the livestock, crop or orchard, as the case may be, in such manner as may be prescribed.

(3) Where the business establishment or shop or kiosk or hawking apparatus or any such thing being used for carrying business of a citizen is destroyed or damaged in terrorist violence, the appropriate Government shall pay appropriate compensation to the owner in such manner as may be prescribed.

Insurance of life and property in terrorism affected areas.

7. (1) The appropriate Government shall in order to protect the life and property of the citizens of the terrorism affected areas within its territorial jurisdiction compulsorily insure the life, property, livestock, crop, orchard, business establishment against terrorist violence, in such manner as may be prescribed.

(2) The appropriate Government may, if it deems fit, expedient and necessary to do so, promote village level security system in the villages affected by terrorism, through teams of volunteers for the protection of their village from terrorist violence and provide the volunteers with necessary weapons and ammunition from time to time in such manner as may be prescribed.

8. The Central Government shall, as soon as may be, in consultation with the Governments of the States affected by violence by terrorists, formulate a national policy for those terrorists who wish to shun violence and return to the mainstream of nation for their rehabilitation through general amnesty, and by providing them with employment, financial assistance for self employment and other means as that Government may deem necessary to do so in the national interest.

Central Government to formulate national policy.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the States and Union territories affected by terrorist violence for carrying out the purposes of this Act.

Central Government to provide Funds.

10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by notification, make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of difficulty and any such order or direction, as the case may be, shall be final:

Power to remove difficulties.

Provided that no such order or direction shall be made after the expiry of a period of four years from the commencement of this Act.

11. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act to have overriding effect.

12. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The data, analysed by a national consortium for the study of terrorism and responses to terrorism, contracted with the US state department, reveals India is third after Iraq and Afghanistan in terms of terror attacks.

Out of 11,072 terror attacks in 2016 worldwide, India bore the brunt of 927, 16 per cent. more than 2015 (798). The number of deaths in India also rose 17 per cent from 289 in 2015 to 337 last year while the number of injured increased from 500 in 2015 to 636 last year.

Jammu and Kashmir saw a surge of 93 per cent in terror attacks last year, the data says. The annual report 2016-17, pertaining to the Union Home Ministry, reports a 54.81 per cent increase in terror incidents in the State.

Terrorism is one of the very serious problems of our nation. Various parts of the country are in the grip of terrorism let loose by Naxalites, Maoists, Leninist-Maoist, People War Group (PWG) and other militant outfits either infiltrated from across the borders or remotely controlled from abroad. Be it north-eastern States, Jammu and Kashmir, Chhattisgarh, Jharkhand parts of Odisha, Andhra Pradesh, Maharashtra, Bihar, Uttar Pradesh, Madhya Pradesh, West Bengal, Karnataka, Tamil Nadu, etc. have been affected by terrorism. the terrorists are ruthlessly killing hundreds of innocent people, policemen, personnel of paramilitary and armed forces, every year just to create panic and spread terror amongst the masses. Bomb blasts occur every now and then. Peaceful cities like Delhi-Hyderabad-Jaipur-Mumbai, etc. are targeted through planting bombs at busy places and in the blasts many people are killed, injured and permanently crippled without any fault. The naxalites and other terrorists do not even spare houses, shops which are torched or blown up. Even the thatched huts of the poor villagers are not spared. They attack Police Station to loot weapons and kill the police personnel or ambush the police and para-military forces and plant blast mines on the roads used by Police and para-military forces which blow up the vehicles carrying them. The terrorist outfits are blackmailing the rich people, industrialists and businessmen and getting ransom from them. In the terrorist affected areas people do not venture out of their houses in the evening and night. In many areas, the terrorists are illegally collecting taxes from the people and running parallel Government and giving instant justice.

Though lot of innocent citizens are killed and wounded seriously in the terrorist violence, they are not given any compensation. Sometimes, a meagre sum is announced as *exgratia* payment. Similar is the case of those who lose their houses, business establishment livestock, crops, etc. who have to fend for themselves. State does not come forward for their rehabilitation. The Banks, financial institutions too do not provide credit to the affected people.

Since, it is the duty of the State to protect the life and property of every citizen and in failing to do so it is the sacred duty of the State to duly compensate the affected citizens and their dependents. At the same time, if the misguided youth who have joined hands with the terrorist outfits due to frustration and variety of other reasons they need to be brought back to the mainstream of the nation by providing employment opportunities and other incentives apart from granting amnesty to them. For this a national policy is required.

Hence this Bill.

NEW DELHI;
November 27, 2017.

SHIVAJI ADHALRAO PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for compensation to the dependents of citizens killed in terrorism violence. Clause 4 provides for compensation to citizens wounded in terrorism violence. Clause 5 provides for rehabilitation package to the victims of terrorism. Clause 6 provides for compensation for other losses. Clause 7 provides for Insurances of life and property in terrorism affected areas. Clause 9 makes it obligatory for the Central Government to provide requisite funds to the State Governments and Union Territories for carrying out the purposes of the Bill.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees three thousand crore may involve as recurring expenditure per annum.

A sum of rupees three hundred crore may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empower the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only the delegation of legislative power is of a normal character.

BILL NO. 271 OF 2017

A Bill to provide for management, operation and control of all aspects of religious institutions and places of worship, which are in direct or indirect control of State and for matters connected therewith or incidental thereto.

BE it enacted by the Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Management of Religious Institutions and Places of Worship Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "administrative control" means a religious institution or place of worship shall be deemed to be under the administrative control of the appropriate Government if the said Government appoints or nominates or has the right to nominate/appoint one or more persons on the Controlling Body or Management Committee of the religious institution or place of worship;

(b) "Advisory Board" means a Board constituted under section 11;

(c) "appropriate Government" means in case of a State, the Government that State and in all other cases, the Central Government;

(d) "financial control" means a religious institution or place of worship shall be said to be under the financial control of the appropriate Government if the said Government instructs or directs or has the right to direct/instruct about the manner in which funds collected or earned by the religious institution or place of worship are to be spend;

(e) "financial year" means year from the 1st April of a year to 31st March of the subsequent year;

(f) "Management Committee" in relation to a religious institution or place of worship means any Body or Authority or Committee, by whatever name called, having power to direct or control any or all of the operations of the religious institution or place of worship;

(g) "place of worship" means any land or building which is considered sacred or holy by any community, sect or religion;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "religious institution" includes any organization, association of persons, society, trust or board, which is either set up with the intention of carrying out religious activity/activities or is engaged in any religious activity;

(j) "service" a person shall be said to be in service of a religious institution or place of worship if he or she has either been authorized by the Managing Committee or has been traditionally doing any type of work, either full-time or part-time, at or in relation to the religious institution or place of worship, irrespective of whether he or she is receiving or not receiving any remuneration for the work.

3. Nothing contained in this Act shall apply to any religious institution or place of worship, which is not under financial or administrative control of either a State Government or the Central Government. Exclusion.

4. Any fund or donation or gift, either in cash or kind, collected or received by any religious institution or place of worship shall not be treated as part of the fund of any Government or of any Government Institution or Government Society or Government Board. Funds to be separate.

5. In case of any religious institution or place of worship to which this Act applies, the appropriate Government's role shall only be of a trustee responsible for ensuring that the funds, properties, estates and all assets of the religious institution or place of worship are used strictly in accordance with the tenets, wishes and aspirations of the religion or sect or community to which the religious institution or place of worship belongs. Government to be trustee.

6. (1) The appropriate Government shall publish or cause to be published, within three months of the conclusion of a financial year, full accounts showing details of income, expenditure, assets, liabilities, investments, sale of assets, and any other matter that is necessary to give a true and fair picture of the finances of the religious institution or place of worship under its administrative or financial control during the relevant financial year. Publication of accounts.

(2) If the income of a religious institution or place of worship exceeds rupees one lakh in any financial year, the accounts of the religious institution or place of worship shall be duly audited by a Chartered Accountant.

(3) Along with published accounts, it shall also be mandatory for the religious institution or place of worship to give details in respect of any income or assets of such institution or place of worship are used for personal benefit of any person in such manner as may be prescribed.

Persons on
Managing
Committee.

7. No person shall be appointed or nominated to the Managing Committee of any religious institution or place of worship or of a group of religious institutions or places of worship, unless the person being appointed or nominated declares to have full faith and devotion to the religion, sect or the deity to which the religious institution(s) or place(s) of worship belongs.

Persons in
service of
religion
institution or
place of
worship.

8. No person shall be appointed in the service of any religious institution or place of worship or of a group of religious institutions or places of worship, unless the person being appointed declares to have full faith and devotion to the religion, sect or the deity to which the religious institution(s) or place(s) of worship belongs.

Right to
remove on
violation of
declaration.

9. (1) The Managing Committee of religious institution or place of worship or of a group of religious institutions or places of worship shall have the right to remove any person from the Managing Committee or from service if it is proved to the satisfaction of the Managing Committee that the person concerned has acted in a manner that violates in any way whatsoever his/her declaration of full faith and devotion to the religion, sect or the deity to which the religious institution(s) or place(s) of worship belongs.

(2) In case the person to be removed by the Managing Committee under sub-section (1) has been appointed by the appropriate Government, the Managing Committee shall recommend to the Government for removal of such person and on receipt of recommendation, the Government shall within seven days of receipt of recommendation, remove the person.

(3) A person removed under sub-section (2) from the Managing Committee or the service of a religious institution or place of worship shall be ineligible for the appointment under the Government.

Right to
impose code of
conduct.

10. (1) The Managing Committee of a religious institution or place of worship or of a group of religious institutions or places of worship shall have the right to impose a code of conduct as well as a dress code for all members of the Managing Committee as well for all persons in service of the religious institution(s) or place(s) of worship.

(2) The Managing Committee of a religious institution or place of worship or of a group of religious institutions or places of worship shall have the right to remove any person from the Managing Committee or from service if it is proved to the satisfaction of the Managing Committee that the person concerned has acted in a manner that violates in any way whatsoever the code of conduct or dress code imposed by the Managing Committee.

(3) In case the person to be removed by the Managing Committee under sub-section (2) above, has been appointed by the appropriate Government, the Managing Committee shall recommend to the Government for removal of such person and on receipt of recommendation, the Government shall, within seven days of receipt of recommendation, remove the person.

(4) A person removed under sub-section (3) from the Managing Committee or the service of a religious institution or place of worship shall be ineligible for reappointment under the Government.

Constitution of
Advisory
Board.

11. The appropriate Government shall, by notification in the Official Gazette, constitute an Advisory Board for deciding policies and rules in respect of management and activities of religious institutions or places of worship of any particular religion, sect, deity or community.

Explanation.—The appropriate Government may constitute as many Advisory Boards as may be necessary for giving effects to the provision of this Act.

12. (1) Every Advisory Board shall have one Chairperson, one General Secretary and such number of members, as may be specified by the appropriate Government.

Members of
Advisory
Board.

(2) The criterion for appointment as the Chairperson, General Secretary and members of the Advisory Board shall be such as may be prescribed by the appropriate Government from time to time.

(3) In case an Advisory Board relates to religious institutions and places of worship or more than one sect, reasonable representation to all sects, to which the Board relates, shall be provided.

(4) No Government functionary or Officer or employee shall be eligible for nomination as the Chairperson, General Secretary or member of any Advisory Board.

13. (1) The Advisory Board shall not be involved in day-to-day management or operations of any religious institution or place of worship.

Functions of
Advisory
Board.

(2) The Advisory Board will only frame rules and policies, which shall be binding on all religious institutions and places of worship in the State of the particular religion, sect, deity or community for which the Advisory Board has been constituted.

(3) The Advisory Board shall be responsible for supervision and control including audit of finances of Managing Committees of all religious institutions and places of worship in the State of the particular religion or sect or deity or community for which the Advisory Board is constituted.

14. The salaries and allowances and terms and conditions of services of the Chairperson, General Secretary and other members shall be such as may be prescribed by the appropriate Government.

Supervision
and control of
Managing
Committees.
Irregularities
by Managing
Committee.

15. (1) In case the Advisory Board detects irregularities in the working of any Managing Committee of a religious institution or place of worship in the State of a particular religion or sect or deity or community for which the Advisory Board is constituted, the Board shall issue a warning to the concerned Managing Committee.

(2) If the Advisory Board is of the opinion that the irregularity is of serious nature or the Managing Committee has ignored the warning and has continued with the irregularity, the Advisory Board shall recommend to the appropriate Government to either remove a particular person from concerned Managing Committee to reconstitute the Managing Committee.

(3) The recommendation of the Advisory Board under this section shall be binding on the appropriate Government and action shall be taken by that Government within a reasonable time without any delay.

(4) The Advisory Board shall also have power to initiate legal proceedings against any person found guilty of irregularities under this section.

16. The appropriate Government shall not remove any person from the post of Chairperson or General Secretary or member of an advisory board or the Managing Committee, before the completion of his tenure, unless he:—

Removal of
Managing
Committee of
Advisory
Board
members.

(a) is proved to be of unsound mind;

(b) is convicted of a criminal offence and punished with imprisonment exceeding three months;

(c) is found to be indulging in terrorist or anti-national activities;

(d) Indulges in any act for which a recommendation has been received against him from the relevant Advisory Board or Management Committee under the provisions of this Act.

- Penalty. **17.** (1) Whoever violates of any provision of this Act shall be punishable with imprisonment for a term which may extend upto three Years and fine.
- (2) A false declaration of one's faith or devotion shall be an offence punishable under sub-section (1).
- (3) Misuse of income or assets of a religious institution or place of worship as well as use of any such income or asset without due authorization from Managing Committee shall be an offence punishable under sub-section (1).
- Transitional Provision. **18.** All Bodies or Committees or Boards existing before the commencement of this Act for management and control of religious institutions and places of worship in every State shall be reconstituted to comply with the provisions of this Act within a period of six months from the date of coming into force of this Act.
- Savings. **19.** The provisions of this Act shall have effects notwithstanding anything contrary contained in any other law for the time being in force.
- Power to make rules. **20.** (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the forgoing powers such rules may provide for all or any of the following matters, namely,—
- (a) the rules relating to Constitution of Managing Committee and Advisory Boards;
 - (b) the salary and allowances, and other terms and conditions of the Chairperson General Secretary and Members of Advisory Boards;
 - (c) the funds collected by the Managing Committee and the rule of the Advisory Boards; and
 - (d) any other matters which may be prescribed.
- (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The preamble of the Constitution of India declares India to be a "Secular Democratic Republic". An essential condition of a secular country is an arm's length distance between religion and State. Many State Governments have taken over many religious institutions and places of worship. In many cases, Government representatives and nominees sit on the controlling bodies of religious institutions and places of worship. In the absence of any norms or law in this regard, the principles of secularism are often violated. It is therefore, felt that a Central law is needed to make sure that

- (a) religious institutions are independent,
- (b) funds collected by any religious institution or place of worship are used in line with the tenets of religion or sect or community or deity
- (c) there is transparency in use of funds,
- (d) prominent persons and religious persons of a religion or sect or community have a say in managing affairs of their religious institutions and places of worship, and
- (e) persons misusing religious institutions and places of worship for their personal ends are duly punished.

Hence this Bill.

NEW DELHI;
November 27, 2017.

SHIVAJI ADHALRAO PATIL

FINANCIAL MEMORANDUM

Clause 12 of the Bill provides for appointment of the Chairperson, General Secretaries and members of the Advisory Boards of religious institutions and places of worship. Clause 14 empowers the appropriate Government to provide salaries and allowances for the functionaries of the Advisory Boards.

The Bill, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that approximately a sum of rupees One Crore will be met by the Central Government as recurring expenditure in respect of the Advisory Boards falling under its jurisdiction.

No non recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 20 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only the delegation of legislative power is of normal character.

BILL NO. 259 OF 2017

A Bill to provide employment or means and resources for self-employment to atleast one adult member of every family and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Employment Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—	Definitions.
(a) “family” includes wife, husband and minor children; and	
(b) “prescribed” means prescribed by rules made under this Act.	
3. It shall be the duty of the Central Government to provide gainful employment to atleast one adult member of every family.	Central Government to provide employment.
4. Every unemployed person shall be entitled to receive monthly unemployment allowance at such rate as may be prescribed, till he is provided with gainful employment.	Grant of unemployment allowances.
5. (1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Employment Advisory Board for carrying out the purposes of this Act.	Constitution of Employment Advisory Board.
(2) The Board shall consist of—	
(a) a retired Judge of Supreme Court - Chairperson;	
(b) two representatives of the Central Government - Member Secretaries;	
(c) one representative from Union Ministry of Labour and Employment - Member;	
(d) two persons having experience in Labour Laws,	
to be appointed by the Central Government in such manner as may be prescribed.	
(3) The Board shall meet at least once in a month:	
Provided that the Chairperson may call for a meeting at any time in consultation with the Member-Secretaries as and when the circumstance warrant so.	
(4) The Salary and allowances payable to and other terms and conditions of service of Chairperson and members of the Board shall be such as may be prescribed.	
6. The Board shall—	Functions of the Board.
(a) identify fields and areas for generation of employment and forward the information to the Central Government;	
(b) collect data of unemployed persons in every district;	
(c) develop model for generation of self employment for the citizens;	
(d) encourage businessmen for generation of employment; and	
(e) undertake such other measures for generation of self-employment for citizens as it considers necessary.	
7. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Employment Fund for carrying out the purposes of this Act.	Constitution of Employment Fund.
(2) The Central Government and State Government shall contribute to the Fund in such ratio as may be prescribed.	
8. The Central Government shall, on the recommendation of the Board, take steps to promote the interest of persons employed under this Act.	Periodical promotion to employees.
9. The Central Government shall provide subsidy and all other facilities or resources for self-employment to every family, where it is not possible to provide employment to atleast one dependent member of that family.	Central Government to provide credit and other facilities to dependent member of family.

Power to make
rules.

10. (1) The Central Government may, by notification, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid before each House of the Parliament, as soon as may be after it is made. While it is in session, for a total period of thirty days which may comprise in one session or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any such modification in the rule or both the Houses agree that the rule should not be made, the rule shall as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

In India, poverty is one of the biggest problems. Even after sixty-nine years of independence, we have not been able to contain the poverty. Although our country has progressed in many fields, yet it has failed to improve the standard of living of the people. There may be many reasons for poverty.

There are a large number of families where there is not even a single earning member and most of them earn their livelihood by working as labourers, domestic servants, bonded labours, etc. Majority of population lives below poverty line. Our country being a welfare State should take necessary steps to improve the lot of the people and formulate schemes and plans to eradicate poverty from the country.

In 2015, around 170 million people, or 12.4 per cent. of population lived in poverty. In 2012, the Indian Government stated 22 per cent. of its population is below its official poverty limit. The World Bank, in 2011 based on 2005's Purchasing Power Parities International Comparison Program, estimated 23.6 per cent. of Indian population, or about 276 million people, lived below \$ 1.25 per day on purchasing power parity. According to United Nation's Millennium Development Goals (MDG) programme 270 millions or 21.9 per cent. people out of 1.2 billions of Indians lived below poverty line of \$ 1.25 in 2011-2012.

According to Food and Agricultural Organisation estimates in "The State of Food Security and Nutrition in the World, 2017" report, 190.7 million people are undernourished in India. By this measure 14.5 per cent. of the population is undernourished in India. Also, 51.4 per cent. of women in reproductive age between 15 to 49 years are anaemic. Further according to the report 38.4 per cent. of the children aged under five in India are stunted (too short for their age), while 21 per cent. suffer from wasting, meaning their weight is too low for their height. Malnourished children have a higher risk of death from common childhood illnesses such as diarrhea, pneumonia and malaria. The Global Hunger Index 2016 ranks India at 97 out of 118 countries on the basis of three leading indicators—prevalence of wasting and stunting in children under 5 years, under 5 years child mortality rate, and the proportion of undernourished in the population. With this in view, it is proposed to make a positive step towards eradicating poverty. It is proposed that at least one adult member of every family should be provided with employment and where it is not possible to provide employment, the Government should encourage those who desire to set up their own business and improve their capability of increasing production, like weavers, shoe makers etc. so that they become self-sufficient and the family should be given all necessary facilities for decent and reasonable living.

Hence this Bill.

NEW DELHI;
November 27, 2017.

SHRIKANT E. SHINDE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide employment to atleast one adult member of every family. Clause 4 provides for payment of unemployment allowances to every unemployed person at such rate as may be prescribed till he is provided with gainful employment. Clause 5 provides for constitution of Employment Advisory Board. Clause 7 provides for contribution of Employment Fund for carrying out the purposes of this Bill. Clause 9 provides that the Central Government shall provide subsidy and all facilities or resources for self-employment to a family where it is not possible to provide employment. The Bill, therefore, if enacted, would involve expenditure from the consolidated Fund of India in implementing the provisions of the Bill. It is likely to involve an annual recurring expenditure of about rupees eight thousand crore from the Consolidated Fund of India.

A non-recurring expenditure to the tune of four thousand crore is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules to carry out the purposes of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 253 OF 2017

A Bill to provide for prohibition on distribution, sale and advertisement of online games showing violence and indecency in their operations in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Violent and Indecent Online Games (Prohibition on Distribution, Sale and Advertisement) Act, 2017.

Short title,
extent and
commencement.

(2) It shall extend to the whole of India.

(3) It shall come into effect with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in case of a State, the Government of that State and in all other cases, the Central Government;

(b) "online games" means a video game that is either partially or primarily played through the internet or another computer network;

(c) "prescribed" means prescribed by rules made under this act;

(d) "sale" includes giving on rent or allowing free access to online game on internet;

(e) "videogame" means an electronic game that involves interaction with a user interface to visual feedback on a television screen or computer monitor; and

(f) words and expressions used in this Act but not defined and defined in the Indecent Representation of Women (Prohibition) Act, 1986 and the Indian Penal Code, 1860 shall have the meaning respectively assigned to them in these Acts.

60 of 1986.
45 of 1860.

Prohibition on distribution, sale and advertisement of violent and indecent video games.

3. (1) No person shall distribute, sell or advertise such online games in the country which contain violence, bloodshed and indecent material or representation.

(2) The Central Government shall not allow import of such online games in the country which are showing violence and indecency.

Appropriate Government to monitor the contents of games.

4. (1) It shall be the duty of the appropriate Government to monitor the contents of online games available within its territorial jurisdiction and notify such online games which contain violence and indecency.

(2) The appropriate Government shall from time to time, issue directions to the concerned authority and the police about the procedure to be followed in monitoring violent and indecent online games in the market in such manner as may be prescribed.

The Central Government to block the portals/websites selling violent and indecent games.

5. If any portal or website is selling, offering free downloading or free play of any violent or indecent online games, the Central Government shall block such portal or the website:

Provided that the Central Government shall not block any portal or website without giving the representatives of such portal or website a reasonable opportunity of being heard.

Parents to check the contents of games.

6. It shall be the responsibility of each parent to check the content of the online game they are giving to their children or the games being acquired by children themselves and evaluate the ratings given on these online games.

Schools to issue guidelines to students on games.

7. Every school shall design or create curricula to guide/advice children to reduce their total screen time and the type of games to be played.

Online Games to be launched with the approval of Children Films Society of India.

8. Every new online game launched in the country in any manner shall be subject to the approval of Children Films Society of India.

Penalty.

9. Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act shall be punishable with imprisonment for a term, which may extend to seven years or with fine, which may extend to fifteen lakh rupees or with both.

10. (1) Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other Officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.— for the purpose of this section:—

(i) “company” means anybody corporate and include a firm or other association of individuals; and

(ii) “director”, in relation to a firm, means a partner in the firm.

11. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficult:

Power to remove difficulties.

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

12. The provisions of this Act shall be in addition to, and not in derogation of, the provisions in any other law, for the time being in force, relating to violent and indecent video games/online games.

Overriding effect of the Act.

13. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions, aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Children in today's world are growing in a totally different kind of environment. The tools for play and entertainment are online games many of which are violent and indecent. Blue whale, Pokemon Go, San Andreas, Duke Nankeen, Max, Payne, Elite Warriors, Hitman, Commandos, Dooms are all names of most popular online games in the market right now. All these are war or killing games which children are exposed to from their tender age of three years and above. These games are highly engaging and interactive unlike watching television programmes.

Indian Association of Biological Psychiatry raised concern over children's addition to violent online games such as "Blue Whale". There is a need for vigilance on the part of parents and Government agencies to take precautionary measures in order to save children from ill effect of video or online games. These online video games are extremely violent and compel children to take extreme steps including attempt to suicide or indulge in self-injurious behaviour. As per a study by Iowa State University researchers found children who repeatedly play violent video games are learning thought patterns that will stick with them and influence behaviours as they grow older. Researchers also found that over time children start to think more aggressively. And when provoked at home, school or in other situations, children will react much like they do when playing a violent video game.

Apart from this, there are host of free video games / online games available on internet many with warning that the games may contain explicit scenes of blood and gore. According to medical experts, recurrent viewing of scenes of blood and gore causes defiance in child so with slight provocation, anger or hostility, the defiance is often directed at parents. It further says that children also develop insensitivity to pain and bloodshed in the absence of adequate inputs from parents and teachers about the basic human right of letting other persons to live. These children become less caring and less helpful towards their peers.

As a result, the new kid on the block is an angry young child. He devotes hours before screen playing these violent and indecent games. Most of the parents do not check the contents of the games and just give into the demands of the children which come very cheap at fifty rupees a game. Parents here have an important role to play. Psychologists have found that when parents limit the time as well as the type of game their children play, children are less likely to show aggressive behaviour. It is otherwise also reflecting bad on the kids as instead of going to play out door games, they are sitting hours together before the Television or computer screen. Children are not born violent; they are made violent. They become conditioned to associate violence with fun, as part of normal life. The end result of unmonitored video violence is that we are training an army of kids. There were several incidents in other countries where children went into unprovoked shooting spree killing many innocents. The same is the case with indecent games which are, at times, marked for adults but land in the hands of children due to apathy of the shop keeper in selling those games to right kind of persons. These games allow player to watch strip shows, depict nudity, sexual conduct and other contents harmful to minors. These types of games are also available for free download from internet. There is an urgent need to ban these games containing violence, bloodshed and incendent material from the reach of the children and save the future of the society.

Hence this Bill.

NEW DELHI;
November 27, 2017

SHRIKANT E. SHINDE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out purposes of the Bill. As the matters will relate to details only, the delegation of powers is of a normal character.

BILL NO. 258 OF 2017

A Bill to constitute a National Commission to identify and deport illegal immigrants in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Illegal Immigrants (Identification and Deportation) Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act unless the context otherwise requires,—

Definitions.

(a) 'illegal immigrant' means any person who comes to India without any proper and valid document issued by the designated Authority of the Government of India; and

(b) "prescribed" means prescribed by rules made under this Act.

National Commission for identification and deporting illegal immigrants.

3. The Central Government shall, by notification in the official gazette, constitute a Commission to be known as the National Commission for Identification and Deportation of Illegal Immigrants (hereinafter referred to as the National Commission) for carrying out the purposes of this Act.

Appointment, term and salary of the Chairperson and Members of the Commission.

4. (1) The National Commission shall consist of,—

(i) a Chairperson who shall be a retired Judge of the Supreme Court to be appointed by the President in such manner as may be prescribed; and

(ii) two other members to be appointed by the President in such manner as may be prescribed.

(2) The Chairperson and other members shall hold office for a term of five years and shall be entitled to such salaries and allowances as may be determined by the Central Government.

State Commission.

5. The Central Government shall also set up a State Commission for a State or two or more States for identification and deportation of illegal immigrants.

Appointment, term and salary of Chairperson and other members of the State Commission.

6. (1) Every State Commission shall consist of,—

(i) a Chairperson who shall be a retired Judge of the High Court; and

(ii) four other members.

(2) The Chairperson and other members of the State Commission shall be appointed by the Central Government in consultation with the Chairperson of the National Commission in such manner as may be prescribed.

(3) The Chairperson and the other members shall hold office for a term of five years and shall be entitled to such salaries and allowances as may be determined by the Central Government.

Functions of the State Commission.

7. Every State Commission shall,—

(i) carry out necessary exercise to identify illegal immigrants and their nationality in their respective area; and

(ii) prepare and send list of all illegal immigrants in their respective area to the district administration.

Powers of the Commissions.

8. The National Commission and every State Commission shall exercise the powers of a civil court in regard to discharge of its functions.

National Commission to direct the State Government.

9. The National Commission may direct the respective State Government to:—

(i) stop all assistance being enjoyed by the illegal immigrants immediately;

(ii) impound the ration card in the possession of illegal immigrants;

(iii) terminate the services of illegal immigrants, in case such immigrants are employed in any public sector and inform persons concerned in case they are employed in private sector;

(iv) take such necessary action to recover loans borrowed by illegal immigrants;

(v) facilitate speedy hearing of cases against illegal immigrants; and

(vi) take immediate action for deporting them to the countries of their origin.

State Government to take action on direction of the National Commission.

10. The State Government shall take such action as directed by the National Commission within three months.

11. (1) Any person, who has any complaint against a decision of any State Commission, shall be entitled to represent to the National Commission, who shall hear the same and dispose it of within one month.

Representation to the National Commission.

(2) Every applicant, who represents to the National Commission under clause (1), shall be given an opportunity of being heard before disposing of such application by the National Commission.

12. The State Commission and the district administration shall ensure that no inconvenience is caused to any *bona fide* citizen of the country during the enforcement of the provisions of this Act.

No inconvenience to *bona fide* citizens.

13. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions, aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The influx of immigrants created a crisis of identity among the indigenous citizens of our country. Their cultural survival is in jeopardy, their political control is weakened and their employment opportunities are undermined by such illegal migration. It is found that though the immigrants had settled in various States of our country, most of them failed to identify themselves with the mainstream.

Due to the similar language spoken by illegal migrants from Bangladesh, Myanmar and other neighboring countries and the indigenous language speaking citizen, it becomes difficult to identify and deport the illegal migration from Indian soil. Illegal immigrants have increased pressure on resources of our country and the Government has to increase the expenditure on education and health facilities to the immigrants. Illegal immigrants are not only adding number to our booming population but are indulging in anti-national activities. Most of the illegal immigrants have got their names enlisted in the voting list illegally, thereby claiming themselves as citizens of the country. The immigrant's population act as a vote bank for the political parties. The NRC (National Register of Citizens) has taken initiatives for the detection of illegal migrants. However, success of such initiatives will depend on the strong political will. The dangerous consequences of large scale illegal migration from neighboring countries required to be dealt effectively. No misconceived and mistaken notions of secularism should be allowed to come in the way of doing so. Illegal migration from neighboring countries is no longer a regional problem which can be pushed under the carpet. These migrants have now settled in several States including the States of Rajasthan, Delhi, Madhya Pradesh and Maharashtra.

This silent and invidious demographic invasion may result in the loss of the geo-strategic importance of several bordering districts in the State of Assam, Tripura, Jammu & Kashmir, West Bengal and other States. The influx of these illegal migrants is turning these regions into a specific religion majority region which was unknown till now. It will then only be a matter of time when a demand for their merger with neighboring country may be made. Thus it is high time to solve the problems of illegal migration to save culture and identity of our people in their own land and to save the nation from the threat of immigrants.

NEW DELHI;
November 27, 2017.

SHRIKANT E. SHINDE

FINANCIAL MEMORANDUM

Clause 3, of the Bill provides for constitution of the National Commission for identification and deporting of illegal immigrants from the country. Clause 4 provides for salaries and allowances payable to the Chairperson and other members of the Commission. Clause 5 provides for setting up of State Commission for a State or a group of States and clause 6 provide for salaries and allowances payable to the Chairperson and other members of State Commission.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about fifty crore per annum.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 277 OF 2017

A Bill to provide for payment of non-returnable grants to the farmers for meeting the input costs in agriculture with a view to promote increased agricultural output and decreased farmer credit and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Agricultural Inputs Grants Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. It shall apply to each and every farmer engaged in agricultural activities in the country but shall not apply to persons engaged in dairy, piscine, horticultural and any other non-commercial practices which do not require the use of common agricultural inputs like fertilizers, machinery, labour or land to yield commercial output.

Application of
the Act.

3. In this Act, unless the context otherwise requires,—

Definitions.

(a) "agricultural inputs" includes soil, fertiliser, machinery, tools and other equipments and substances used in the process of agriculture by the farmers to produce a favourable yield;

(b) "grant" means a non-returnable payment made by the Central Government and the State Government to the farmer directly for the purpose of meeting the cost of agricultural inputs; and

(c) "prescribed" means prescribed by rules made under this Act.

Payment of grants to farmers.

4. (1) The Central Government and the State Government concerned, shall ensure payment of grant to each and every farmer to whom this Act applies for the purpose of meeting the cost of agricultural inputs.

(2) The grants under sub-section (1) shall be shared by the Central Government and the State Government concerned in equal ratio.

(3) The grants shall be determined each year in advance by including it in the Annual Financial Statement after taking into consideration the foreseeable factors like monsoon, drought, floods and crop diseases which affect agricultural output.

(4) The amount of grant to be paid to a farmer shall be determined on the basis of his land holding.

(5) The grants shall be paid twice in a year, one before the rabi season crop is sown and second before the kharif crop is sown.

(6) The grants shall be credited to the bank account or krishi account or such other account of the farmer as may be prescribed:

Provided that every grant paid to a farmer shall be credited to an account which is linked with the Aadhaar number of the farmer to ensure transparency and efficiency of payment.

Maintenance of record of land holdings of farmers in every district.

5. (1) For the purposes of making payment of grants under this Act, the Central Government and the concerned State Government shall maintain records of land holdings of the farmers in every district and where such records are not available, the Central Government and the State Government concerned shall expeditiously carry out land surveys to find out the land holdings of farmers in such districts.

(2) For the purpose of recording, maintaining and updating the data under sub-section (1), the Central Government and the State Government concerned may take assistance of local village committees or such other bodies as may be prescribed.

(3) The data under sub-section (1) shall comprise land holding size, crops sown, common agricultural practices applied, annual yields and such other information as may be necessary to streamline application of this Act.

Power to make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power; such rules may provide for —

(a) the preparation and maintenance of records and other data pertaining to land holding;

(b) the use of technology and other means to collect such data,

(c) the nature of payments made, in the form of direct benefit transfers, in the form of credit to accounts, cash coupons, or other methods as it may deem fit,

(d) the minimum requirements to make eligible a farmer to receive benefits under this Act,

(e) the amount to be paid as part of the benefits under this Act to farmers each year, by way of notification in the Official Gazette.

(3) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In the current fiscal year 2017-2018, the Union Government has allocated rupees seventy thousand crores solely for the purpose of subsidising fertilisers. This excludes the sum of farm loan waivers that are given out by State Governments that also run into tens of thousands of crores. The plight of farmers in the country as well as the entire agricultural industry is bleak due to the high dependence on monsoons which are irregular and uncertain. The cycle of handing out farm loan waivers arises every few years and fails to address the problem at its roots. The practice of the Government waiving farm loans also damages the credit outlook as well, since some farmers anticipate such waivers and intentionally choose not to pay off their debts.

Rather than these repetitive temporary fixes every few years, the Government needs to pay heed to the needs of the farmers so that such situation of a farm loan waiver does not arise altogether. Farmers also remain at the mercy of local money-lenders who are not institutionalised and charge exorbitant rates of interests from farmers which are hard to repay despite a favourable yield. Subsequently, farmers take loans to pay off previous loans, thus resulting in a debt trap. This can be done by channelling funds to the farmers to provide for their input costs. Providing input costs to farmers in the form of a grant can help to ensure that farmers do not fall victim to the vicious cycle of a debt trap. The Government can pay for the input costs of the farmers as grants credited directly to their accounts. Such amount can be paid as a biannual grant, one for the *kharif* season and one for the *rabi* season. This grant if paid on a *per acre* basis limited by the maximum allowable land holding size as per existing applicable laws, it will not incur debt on his input costs. In case the farmer is faced with adversities such as irregular monsoons, droughts, floods, etc. the farmer will not have any burden to repay any debts and will also save them from harassment at the hands of money-lenders.

For the purpose of the payment of grants, comprehensive land survey data is required. In areas where such data is unavailable, steps should be taken to update such data using latest techniques to ensure accurate logging of land data. Local level village committees may be engaged for collecting data such as land holding size, crops grown, average costs, etc. to help streamline the process of calculating amounts to be given to each farmer in different villages. The grants are also required to be credited directly to the Aadhaar-linked bank accounts of the farmers twice a year. Linking to Aadhaar will ensure transparency, timely payments and prevent double payment to farmers cultivating the same piece of land.

As per the Agriculture Census, 2010-11, the average size of operational holding has declined to 1.15 ha. in 2010-11 as compared to 1.23 ha. in 2005-06. The small and marginal holdings taken together (below 2.00 ha.) constituted 85.01 per cent. in 2010-11 against 83.29 per cent. in 2005-06. This shows the increasing burden being faced by majority of the farmers due to decreasing land holding size and increasing input costs. Such circumstances make agriculture unsustainable since farmers are not able to repay loans that they had taken to procure fertilisers, machinery, tools and other such input costs.

Hence this Bill.

NEW DELHI;
November 27, 2017.

VINOD KUMAR BOIANAPALLI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for grants to be paid by the Central Government and the State Government concerned in equal ratio to every farmer in the country. It also provides that the grants shall be determined each year in advance by including it in the Annual Financial Statement after taking into account the factors like monsoon, drought, floods, crop diseases, etc. and paid directly to the farmers twice in a year before the rabi and kharif crops season. Clause 5 provides for maintenance of records of land holdings of farmers in every district. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. The estimate of funds to be drawn from the Consolidated Fund of India will be determinable only after the amount of grant payable is decided by the Central and State Governments, respectively. However, if an amount of four thousand rupees is determined as the grant payable to a farmer each year, a sum of rupees forty thousand crore would involve as a recurring expenditure per annum from the Consolodiated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 274 OF 2017

A Bill to amend the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Amendment Act, 2016.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Amendment Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new section
33A.

2. After section 33 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

18 of 2016.

Establishment
of Integrated
Complaints
Centre.

“33A. (1) The Central Government shall, by notification in the Official Gazette, establish an Integrated Complaints Redressal Centre (hereinafter referred to as the Centre) for redressal of complaints relating to breach of security of identity information and authentication records of individual including biometric information collected or created under this Act.

(2) The Services of the Centre shall be made available on all days of the week round the clock in all the languages included under the Eighth Schedule to the Constitution.

(3) Any person may register a complaint with the Centre in such manner as may be prescribed.

(4) Every complaint registered with the Centre shall be disposed of within a period of forty-eight hours of its receipt in such manner as may be prescribed.

Substitution of
new section for
section 42.

3. For section 42 of the principal Act, the following sections shall be substituted, namely:—

General
Penalty.

“42. Whoever commits crime under this Act or any rules and regulations made thereunder, for which no specific penalty is provided other than this section, shall be punishable with life imprisonment or with a fine which may extend up to ten lakh rupees or in case of a company, with a fine which may extend up to five crore rupees, or with both.”.

Establishment
of Special
Court.

42A. (1) The Central Government shall, by notification in the Official Gazette, establish a Special Court for the purposes of adjudication of cases pertaining to pecuniary compensation under this Act.

(2) The principal seat of the Special Court shall be at New Delhi with its Benches in States including at Mahoba district of the State of Uttar Pradesh.

(3) The Special Court and its Bench shall be headed by a Judge having such qualification as may be prescribed.

(4) The Salary and allowances payable to, and other terms and conditions of services of Judge of special Court shall be such as may be prescribed.

STATEMENT OF OBJECTS AND REASONS

Aadhaar card has proven a milestone in operating various schemes with transparency. Aadhaar card has not only provided an identification to citizens but also facilitated the various functions and activities of life. Incidents of cyber crimes and cyber attacks are increasing day by day. Hence, there is a need to digitally secure the Aadhaar card data. It is pertinent to bring the data storage machines—which are being used for Aadhaar data under the stringent digital security standards. It is also needed to keep a sharp eye on the human labour engaged in data management so that violation of Right to Privacy of citizens of the country can be prevented apart from prevention of any other form of loss. Moreover, change in the information related to Aadhaar card is a continuous process. It is, therefore, necessary that such changes in Aadhaar card is secured quickly and conveniently.

The Bill, therefore, seeks to amend the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 with a view to:

(a) establish an Integrated Complaints Centre for redressal of complaints relating to breach of security of identity information and authentication records of individual including biometric information collected or created under this Act.

(b) establish a Special Court for the purposes of adjudication of cases pertaining to pecuniary compensation under this Act.

Hence this Bill.

NEW DELHI;
November 22, 2017.

KUNWAR PUSHPENDRA SINGH CHANDEL

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that an Integrated Complaints Centre for redressal of complaints relating to breach of security of identity information and authentication records of individual including biometric information collected or created under this Act, shall be established. Clause 3 provides for establishment of a Special Court for the purposes of adjudication of cases pertaining to pecuniary compensation under this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore per annum will be involved as recurring expenditure.

A non-recurring expenditure to the tune of rupees five crore will also be involved.

BILL NO. 255 OF 2017

A Bill to provide for the constitution of a Board for the protection and control of stray cows in the country and for matters connected therewith.

BE it enacted by the Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) The Act may be called the Stray Cows (Protection and Control) Board Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "Anna Board" means Stray Cows Board constituted under section 3;

(b) "stray cow" means cow left unattended by the *gau palak* or farmers in public places for fodder and water and includes its progeny, bulls and bullocks;

(c) "*gau palak*" means persons rearing cows;

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Stray Cow Board to be known as the Anna Board for the protection and control of stray cows in the country.

Constitution of the Anna Board.

(2) The Anna Board shall consist of a Chairperson and ten other members, including one member each from the States of Uttar Pradesh and Madhya Pradesh having special experience for conducting various schemes of cattle rearing, and five *gau palaks* engaged in farming and rearing cows for the last five years.

(3) The headquarters of the Anna Board shall at Mahoba in the State of Uttar Pradesh.

(4) The Anna Board shall hold quarterly review meeting in such manner as may be prescribed.

(5) The salary and allowances payable to, and other terms and conditions of service of Chairperson and members of the Anna Board shall be such as may be prescribed.

4. The Anna Board shall,—

Functions of the Anna Board.

(a) Conduct a survey once in every year for five years to assess the number of stray cows in the country;

(b) establish a cow promotion centre (cow hostel) in every village for protection of stray cows with the facility of proper cleaning, fodder, water breed improvement;

(c) make arrangements for the collection of cow urine, panchgavya products and installation of gobar gas plants;

(d) establish breed improvement centre for Tharparkar, Gir, Sahiwal and Gangatiri breed of cows;

(e) encourage fodder for urea exchange system among the farmers; and

(f) establish cow sanctuaries through water conservation, plantation and pasture on the basis of public partnership by the Forest Department of the State Government concerned on the open and vacant land.

5. The Central Government shall provide market for the sale of foodgrains produced with less quantity of water from natural agricultural system which is free from poisonous chemicals with the use of the cow urine and cow dung based manure system.

Central Government to provide market for foodgrains.

6. (1) The Central Government shall provide the following financial assistance to every *gau palak*—

Financial Assistance to cow rearers.

(a) rupees one thousand per month per cow for rearing cows for a period of one year;

(b) for the establishment of flour mill, oil ghani, fodder cutting machine and pump technique for extracting water based on bullock energy; and

(c) rupees twelve hundred per month as incentives to the farmers making use of oxes and bullock cart.

Incentive to Gram Panchayat having control over stray cows.

7. The Central Government shall award rupees five lakh as an incentive to the Gram Panchayat which has made full control on stray cows under its jurisdiction.

Central Government to provide requisite funds.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the State Governments for carrying out the purposes of this Act.

Central Government to give directions to the State Governments.

9. The Central Government may give such directions to the State Governments as may appear it to be necessary for carrying out the purposes of this Act.

Power to make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The very basis of the economy of the country is agriculture and the only source of income of farmers in case of its becoming unprofitable is animal husbandry. But due to drought prevalent for the last several decades in the economically backward areas of the country, particularly in Bundelkhand, it has been very difficult to provide water and fodder for animals. As a result, farmers abandon herds of their cows, far from their home, to survive on their own in the process of unburdening themselves. This is also known as the 'Anna Pratha' in the Bundelkhand region. This is a pan-India problem. Stray animals do considerable harm to standing crops which brings loss to farmers and the social harmony is adversely affected too. The traditions like 'Anna Pratha' also encourages smuggling of stray animals. Due to unavailability of fodder and water, some of these stray animals also die untimely. Along with this, stray cows take to the roads or highways causing heavy traffic snarls or leads to accidents. With the control over stray cows, not only the income of farmers will increase but will also curb their migration. It will further control smuggling, reduce harm to cows and number of accidents occurring on roads, and will also result in social harmony in society.

The Bill seeks to overcome the problem of traditions like 'Anna Pratha' to check smuggling of cows and problem of stray animals in particular the drought affected region and overall welfare of cow and its progeny and to reduce the burden of farmers.

Hence this Bill.

NEW DELHI;

KUNWAR PUSHPENDRA SINGH CHANDEL

November 27, 2017.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Anna Board for the protection and control of stray cows in the country. It also provides for appointment of Chairperson and ten other members to the Board. Clause 4 provides for establishment of cow promotion centre, etc. Clause 5 provides that the Central Government shall provide a market for the sale of foodgrains produced with the use of cow urine and cow dung. Clause 6 provides for financial assistance to the *gau palaks*. Clause 7 provides for incentive of rupees five lakh to a Gram Panchayat having control over stray cows in its jurisdiction. Clause 8 provides that the Central Government shall provide funds to the State Governments for the purposes of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees twenty thousand crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO 235 OF 2017

A Bill to provide for the constitution and regulation of a new army regiment to be known as the Bundelkhand Regiment for safeguarding the borders of the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Bundelkhand Regiment Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the Context otherwise requires,—

Definitions.

(a) "battalion" means the unit of the Regiment constituted as a battalion by the Central Government;

(b) "Commandant" when used in any provision of this Act, with respect to any unit of the Regiment means the officer whose duty is under the rules of discharge with respect to that unit, the functions of a Commandant in regard to the matters of the description referred to in that provision;

(c) "Criminal Court" means a court of ordinary criminal justice in any part of India;

(d) "Deputy-Inspector General" means a Deputy Inspector General of the Regiment appointed under section 4;

(e) "Director General" means the Director-General of the Regiment appointed under section 4;

(f) "Government" means the Central Government;

(g) "Inspector-General" means the Inspector-General of the Regiment appointed under section 4;

(h) "notification" means notification published in the Official Gazette;

(i) "offence" means any act or omission punishable under this Act and includes a civil offence;

(j) "officer" means a person appointed or in pay as an officer of the Regiment but does not include a subordinate officer or an under officer;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "regiment" means Bundelkhand Regiment constituted under section 3;

(m) "regiment custody" means the arrest or confinement of a member of the Regiment according to rules;

(n) "rule" means a rule made under this Act;

(o) "superior officer" when used in relation to a person subject to this Act, means,—

(i) any member of the Regiment to whose command such person is for the time being, subject in accordance with the rules; and

(ii) any officer of higher rank or class or of a higher grade in the same class; and

includes when such person is not an officer, a subordinate officer or an under officer of higher rank, class or grade;

(p) "subordinate officer" means a person appointed or in pay as Subedar-Major, as a Sub-Inspector of the Regiment; and

(q) "under-officer" means a Head Constable, Naik and Lance Naik of the Regiment.

3. (1) There shall be an armed Regiment of the Union called the Bundelkhand Regiment to ensure the security of the country.

Constitution of the Bundelkhand Regiment.

(2) Subject to the provisions of this Act, the Regiment shall be constituted in such manner as may be prescribed and the conditions of service of the members of the Regiment shall be such as may be prescribed.

4. (1) The general superintendence, direction and control of the Regiment shall vest in and be exercised by the Central Government and subject thereto and to the provisions of this Act and rules made thereunder the command and superintendence of the Regiment

Direction and control of the Regiment.

shall vest in an officer to be appointed by the Central Government as the Director-General of the Regiment.

(2) The Director-General shall, in the discharge of his duties under this Act, be assisted by such member of the rank of Inspector General, Deputy Inspector General, Commandants and other officers as may be prescribed.

Enrolment.

5. (1) The person to be enrolled to the Regiment, the mode of enrolment and the procedure for enrolment shall be such as may be prescribed.

(2) Notwithstanding anything contained in this Act and the rules made thereunder, every person who has, for a continuous period of three months been in receipt of pay as a person enrolled under this Act and borne on the rolls of the Regiment shall be deemed to have been duly enrolled.

Liability for service outside India.

6. Every member of the Regiment shall be liable to serve in any part of India as well as outside India as and when required by the Government during his term of engagement.

Resignation and withdrawal from the post.

7. No member of the Regiment shall be at liberty,—

(a) to resign his appointment during the term of his engagement; or

(b) to withdraw himself from all or any of the duties of his appointment,

except with the prior permission in writing of the prescribed authority.

Tenure of service.

8. Every person subject to this Act shall hold office during the pleasure of the President.

Termination of service by Central Government.

9. Subject to the provisions of this Act and rules, the Central Government may dismiss or remove any person from service.

Certificate of termination of service.

10. A subordinate officer, or an under-officer or other enrolled person who is retired, discharged, released, removed or dismissed from service shall be presented by the officer, to whose command he is subject, with a certificate in the language which is the mother tongue of such person and also in Hindi or English language setting forth—

(a) the authority terminating his service;

(b) the cause for such termination; and

(c) the full period of his service in the Regiment.

Dismissal, removal or reduction by the Director General and by other officer.

11. (1) The Director General or any Inspector General may dismiss or remove from the service or reduce to a lower grade or rank or ranks any person subject to this Act other than an officer.

(2) An officer not below the rank of Deputy Inspector General or any prescribed officer may dismiss or remove from the service any person under his command other than an officer or subordinate officer of such rank or ranks as may be prescribed.

(3) Any officer not below the rank of Deputy Inspector General or any prescribed officer may reduce to a lower grade or rank or ranks any person under his command except an officer or a subordinate officer.

(4) The exercise of any power under this section shall be subject to the provisions of this Act and the rules.

Mutiny.

12. Any person subject to this Act who commits any of the following offences, that is to say:—

(a) begins, incites, causes or conspires with any other person to cause any mutiny in the Regiment or in the Army, Naval or Air Forces of India or any forces co-operating therewith; or

(b) joins in any such mutiny; or

(c) being present at any such mutiny, does not use his utmost endeavor to suppress the same; or

(d) knowing or having reason to believe in the existence of any such mutiny or of any intention to mutiny or of any such conspiracy, does not without delay, give information thereof to his commandant or other superior officer; or

(e) endeavours to seduce any person in the Regiment or in the Army, Naval or Air Forces of India or any forces co-operating therewith from his duty or allegiance to the Union,

shall, on conviction by a Security Regiment Court, be liable to suffer death or such less punishment as is mentioned in this Act.

13. Any person subject to this Act who commits any of the following offences, that is to say—

Absence
without leave.

(a) absents himself without leave; or

(b) without sufficient cause overstays leave granted to him; or

(c) without sufficient cause fails to appear at the time appointed at the parade or place fixed for exercise or duty; or

(d) when on parade, or on the line of march without sufficient cause or without leave from his senior officer, quits the parade or line of march; or

(e) without leave from his senior officer or without due cause, absents himself from any school when duly ordered to attend there,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto five years.

14. Any officer, subordinate officer or under officer applies criminal force on a person that holds such a post as is under this Act or misbehaves with him, shall on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto ten years.

Misbehaviour
with a senior
officer.

15. Any person subject to this Act who commits any of the following offences that is to say:—

Extortion and
corruption.

(a) commits extortion; or

(b) without proper authority exacts from any person money, provisions or service,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto ten years.

16. Any person subject to this Act who commits any of the following offences, that is to say—

False
accusations.

(a) make a false accusation against any person subject to this Act, knowing or having reason to believe such accusation to be false; or

(b) in lodging a complaint against any person subject to this Act makes any statement affecting the character of such person, knowing or having reason to believe such statement to be false, or knowingly and willfully suppresses any material facts,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto three years or such less punishment as is in this Act mentioned.

17. Any person subject to this Act who disobeys in such manner as to show a willful defiance of authority any lawful command given personally by his senior officer in the execution of his office whether the same is given orally or in writing or by signal or shall on

Disobedience to
Senior Officer.

conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend upto twenty years or such less punishment as is provided in this Act.

Offence relating
to Security
Regiment Court.

18. Any person subject to this Act who commits any of the following offences, that is to say—

(a) being duly summoned or ordered to attend as a witness before a Security Regiment Court, willfully or without reasonable excuse makes default in attendance; or

(b) refuses to take an oath or make an affirmation legally required by a Security Regiment Court to be taken or made; or

(c) refuses to provide or deliver any document in his power or control legally required by a Security Regiment Court to be produced or delivered by him; or

(d) refuses when a witness to answer any question which is by law bound to answer; or

(e) is guilty of contempt of the Security Regiment Court by using insulting or threatening language or by causing any interruption of disturbance in the proceedings of such court,

shall on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as mentioned in this Act.

Punishment
awardable by
Security
Regiment
Courts.

19. (1) Punishment may be inflicted in respect of offences committed by persons subject to this Act and convicted by Security Regiment Courts according to the scale following, that is to say—

(a) death; or

(b) imprisonment which may be for the term of life of any other lesser term but excluding imprisonment for a term not exceeding three months in Regiment Custody; or

(c) dismissal from service; or

(d) imprisonment for a term not exceeding three months in Regiment custody; or

(e) reduction to the ranks or to a lower rank or grade or place in this list of their rank in the case of under-officer: or

(f) forfeiture of seniority of rank and forfeiture of all or any part of the service for the purpose of promotion: or

(g) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose; or

(h) fine in respect of civil offences; or

(i) severe reprimand or reprimand except in the case of persons below the rank of an under-officer; or

(j) forfeiture of pay and allowances for a period not exceeding three months for an offence committed in active duty; or

(k) forfeiture in case of person sentenced to dismissal from service of all the arrears of pay and allowances and other public money due to him at the time to such dismissal; and

(l) stoppage of pay and allowances until any proved loss or damage occasioned by the offence for which he is convicted is made good.

(2) Each of the punishment specified in sub-section (1) shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

20. A commandant or such officer as is with the consent of the Central Government, specified by the Director-General may, in the prescribed manner, proceed against a person subject to this Act, otherwise than as an officer or a subordinate officer who is charged with an offence under this Act and award such person to the extent prescribed, one or more of the following punishment, that is to say—

Minor
Punishment.

- (a) imprisonment in Regiment custody upto twenty-eight days; or
- (b) detention upto twenty-eight days; or
- (c) confinement to the lines upto twenty-eight days; or
- (d) extra guards or duties; or
- (e) deprivation of any special position or special employments or any acting rank or reduction to a lower grade of pay; or
- (f) forfeiture of good service and good conduct pay; or
- (g) severe reprimand or reprimand; or
- (h) fine upto fourteen days pay in any one month; and
- (i) deduction from his pay of any sum required to make good such compensation for any expense, loss, damage, or destruction caused by him to the Central Government or to any building or property as may be awarded by his commandant.

21. (1) An officer who is not below the rank of Deputy Inspector General or any other officer specified by the Director General with the consent of the Central Government shall initiate proceedings against any subordinate officer or one of the rank of subordinate officer who is the accused of any crime under this Act, in the prescribed manner and shall award one or more punishment of the following punishments, that is to say—

Punishment to
persons of and
below the rank
subordinate
officer by
Deputy
Inspector
General and
others.

- (a) forfeiture of seniority or in the case of any of them whose promotion depends upon the length of service forfeiture of service for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused person to the award to select to be tried by a Security Regiment Court;
- (b) severe reprimand or reprimand;
- (c) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

(2) In every case in which punishment has been awarded under sub-section (1) certified four copies of the proceedings shall be forwarded in the prescribed manner by the officer awarding the punishment to the prescribed senior authority who may, if the punishment awarded appears to him to be illegal, unjust or excessive, cancel, vary or remit the punishment and make such other direction as may be appropriate in the circumstances of the case.

22. (1) Whenever any weapon or part of a weapon, or ammunition, forming part of the equipment of a unit of the Regiment, is lost or stolen, an officer not lower than the rank of the commandant of a battalion may after making such enquiry as he thinks fit and subject to the rules impose a collective fine upon the subordinate officers, under-officers and area of such unit or upon so many of them, as in his judgment should be held responsible for such loss or theft.

Collective fines.

(2) Such fine shall be assessed as a percentage on the pay of the individuals on whom it falls.

23. The Central Government shall after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time, for carrying out the purposes of this Act.

Central
Government to
provide funds.

Power to give
direction.

24. The Central Government may give such directions to the Government of the State concerned within the territorial jurisdiction of a State for carrying out in the State any provision of this Act or any rule made thereunder.

Power to make
rules.

25. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In the pre-independence era various Regiments had been constituted seeking their base in historic as well as symbolic reasons. But in the post-independence era so many Regiments had been constituted, according respect and esteem to the military values of various cultures. The constitution of Ladakh Scouts, Naga Regiment, Arunachal Scouts and the Sikkim Scouts are cases in point that were formed in the years 1963, 1970, 2010 and 2013 respectively.

Bundelkhand region has been recognized for expertise in the warfare and also in historic heroic narratives. In symbolic form, folk song style "*Alha Gayan*" which is an integral part of public culture prevailing across Bundelkhand region. People of Bundelkhand have always contributed greatly to the defence establishments. There is a need for constitution of a Bundelkhand Regiment as a gesture of evincing respect and recognition to the glorious and illustrious military history and the military values of Bundelkhand culture.

Hence this Bill.

NEW DELHI;
November 27, 2017.

KUNWAR PUSHPENDRA SINGH CHANDEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Bundelkhand Regiment. Clause 4 provides for appointment of certain officers of the Regiment. Clause 23 provides requisites funds for functioning of the Regiment. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees five hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 25 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

BILL NO. 242 OF 2017

A Bill to provide for compulsory sports education from primary to senior secondary level and provision of requisite basic infrastructure in all Government and private schools and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Compulsory Sports Education and Basic Infrastructure Development in Schools Bill, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires.—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "basic infrastructure" means requisite resources such as play ground, articles of sports, sports instructor and requisite environment as are required for sports in the school;

(c) "prescribed" means prescribed by rules made under this Act; and

(d) "school" means any Government school or a Government aided school or a private school, which imparts education from primary to senior secondary school level.

3. (1) As soon as may be, the Central Government shall formulate a national policy for providing sports education and ensuring requisite infrastructure development in all schools of the country.

Formulation of a national policy for providing sports education and infrastructure development in schools.

(2) The national policy referred to in sub-section (1) shall include the following provisions:—

(i) encouraging sports and sports education and creating awareness of importance of sports;

(ii) providing free and compulsory sports education in the schools to all the students;

(iii) ensuring the availability of sports instructor in all the schools;

(iv) providing adequate financial assistance for infrastructure development for sports education in all the schools;

(v) seeking assistance of Mahatma Gandhi National Rural Employment Guarantee Scheme for basic infrastructure development in the schools;

(vi) preparing standard and qualitative syllabus for sports education as per age and physical capacity under the guidance of experts and universalisation thereof;

(vii) incorporating sports as a compulsory subject in the schools;

(viii) providing sports scholarship/stipend to the students with outstanding performance in sports;

(ix) providing weightage to marks obtained in sports for admission in institutions of higher education like institution of national importance, IITs, IIMs and AIIMS; and

(x) according preference to the outstanding sports persons in direct recruitment to posts under the Central and the State Government services.

4. (1) It shall be the duty of the appropriate Government to implement the national policy formulated under section 3.

Implementation of the national policy by the appropriate Government.

(2) The appropriate Government shall review the progress and quality of sports education being provided by the schools, from time to time, in such manner, as may be prescribed.

5. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as National Sports Education and Infrastructure Development Fund for carrying out the purposes of this Act.

Constitution of a National Sports Education and Infrastructure Development Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

6. Where a school violates the provision of this Act, the appropriate Government may take such punitive action, including withdrawal of recognition of the school, in such manner, as may be prescribed.

Punishment for violation of provision of the Act.

Power to make
rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is a country having the highest number of youth. In the coming time, crores of children shall become youth and these children will be the real future of the country from demographic dividend point of view. The responsibility of overall development of children lies on society and the Government. The ancient civilization and culture of India has been very rich and the importance of sports in various forms and structures is evident since time immemorial.

In the recent phase of human and social development, this assumes all the more significance. In this context, some constructive initiatives to espouse sports as an important factor in the overall development of children is required. Today sports are played through the length and breadth of the country in an unstructured way. There is no dearth of talent in various sports in the country. The only shortcoming is that they seldom get proper resources and training. In a bid to identify real talent, requisite environment needs to be created for children at the school itself. Positive initiative in this regard may be made by making sports education compulsory in schools. Increase in the number of the youth having positive and vibrant energy will provide pace and momentum to the development of the country and will assist in prevention of socially disruptive activities. Sports stills a sense of community feeling, discipline and zeal to be organized. Compulsory sports education in schools will identify talent and make India excel in the global sport and competitions. Therefore, it is necessary that compulsory sports education be made at the school level.

Hence this Bill.

NEW DELHI;
November 28, 2017.

DHANANJAY B. MAHADIK

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the formulation of a national policy for providing sports education and infrastructure development in schools. It also provides for creating awareness of sports among students, free and compulsory sports education, availability of sports instructor, financial assistance for infrastructure development, scholarship/stipend to students in schools. Clause 5 provides for constitution of a National Sports Education and Infrastructure Development Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is difficult to give an exact estimate of the actual expenditure to be incurred on it. However, it is estimated that a recurring expenditure of rupees fifteen thousand crore will be involved from the Consolidated Fund of India per annum. Power to make rules.

A non-recurring expenditure of rupees hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 232 OF 2017

A Bill further to amend the Railways Act, 1989.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Railways (Amendment) Act, 2017.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
section 3.

2. In section 3 of the Railways Act, 1989, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Notwithstanding anything contained in sub-section (2), the Central Government shall, by notification, constitute a new Zonal Railway with headquarter at Vishakhapatnam consisting of the Waltair Railway Division of the East Coast Railway Zone and Vijayawada, Guntur and Guntakal Railway Division of the South Central Railway Zone."

STATEMENT OF OBJECTS AND REASONS

The unscientific division of the erstwhile State of Andhra Pradesh in the year 2014 left the residual State of Andhra Pradesh with a number of challenges and disadvantages. To overcome such difficulties and to make up for the loss of resources establishment of a separate railway zone was promised to the residual State of Andhra Pradesh under the Thirteenth Schedule as per section 93 of the Andhra Pradesh Reorganisation Act, 2014.

Post the reorganisation of the State of Andhra Pradesh none of the Railway zones operating in the State of Andhra Pradesh has its headquarters within the State. This has caused great inconvenience to the public of the State of Andhra Pradesh. The concerns of railway commuters of the State are no longer the priority of any of the railway zones. People from the State have to travel all the way to the neighbouring States of Odisha and Telangana to the Zonal headquarters. Since the State is in a rebuilding phase after having lost out greatly due to the partition of the erstwhile State, a separate railway zone which caters to the special needs of the State for commotion as well as strengthening infrastructure is direly needed.

This situation was already recognised as an inevitable result of the State reorganisation and that is why the Reorganisation Act assured to set up a separate railway zone for the State of Andhra Pradesh.

The Bill, therefore, seeks to amend the Railways Act, 1989 with a view to constitute a new Zonal Railway headquarter at Visakhapatnam consisting of the Waltair Railway Division of the East Coast Railway Zone and Vijayawada, Guntur and Guntakal railway divisions of the South Central Railway Zone.

Hence this Bill.

NEW DELHI;

RAMMOHAN NAIDU KINJARAPU

November 28, 2017.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to constitute a new Zonal Railway headquarter at Visakhapatnam consisting of the Waltair Railway Division of the East Coast Railway Zone and Vijayawada, Guntur and Guntakal railway divisions of the South Central Railway Zone. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees one hundred crore* from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore* is also likely to be involved.

BILL NO. 218 OF 2017

A Bill further to amend the Protection of Human Rights Act, 1993.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title.	1. This Act may be called the Protection of Human Rights (Amendment) Act, 2017.
Amendment of section 2.	2. In section 2 of the Protection of Human Rights Act, 1993 (hereinafter referred to as the principal Act), in sub-section (1), clause (a) shall be omitted.
Omission of section 19.	3. Section 19 of the principal Act shall be omitted.
Substitution of new section for section 30.	4. For section 30 of the principal Act, the following section shall be substituted, namely:—
Human Rights Courts.	"30. For the purpose of providing speedy trial of offences arising out of violation of human rights, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, set up for each district a special court to be a Human Rights Court to try the said offences."

STATEMENT OF OBJECTS AND REASONS

The protection of Human Rights Act, 1993, is a landmark legislation in the field of human rights. The Act, no doubt, meets the demand of the present times and takes care of all kinds of violations of human rights. However, there are two serious shortcomings in this Act which may render it less effective than what it was intended to be. The first shortcoming is the special procedure to be followed by the Commission in dealing with complaints of human rights violations by members of the armed forces under section 19 of the Act. The Commission, as such, has no authority to investigate or try the offences committed by the members of the armed forces. Since the members of the armed forces are likely to become target of malicious attack by vested interests and since the special procedure prescribed for members of armed forces is, in essence, against the spirit of this legislation, it would be proper that armed forces are also brought under the jurisdiction of the Commission and the special procedure with respect to armed forces be dispensed with.

The second shortcoming is that of the discretionary provision of setting up of special courts for trying the offences under this law. Since these offences are being treated on a special footing, the instrumentality of ordinary courts will be ineffective and time-consuming and hence would defeat the very object of the law. Therefore, it has been proposed in the Bill to make it obligatory on the part of the State Governments to set up special courts for each district for speedy trial of offences arising out of violations of human rights.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 28, 2017.

UDIT RAJ

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that every State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, set up special courts in each district for speedy trial of offences arising out of violation of human rights. The setting up of special Courts in Union Territories will involve expenditure out of the Consolidated Fund of India. As far as States are concerned, the expenditure involved for setting up of special Courts shall be borne out of the Consolidated Funds of the respective States. However, the Central Government may have to assist the State Governments in setting up of special Courts.

The Bill, therefore, if enacted, will involve expenditure out of the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty five lakh per annum.

It is also likely to involve a non-recurring expenditure of about rupees ten lakh from the Consolidated Fund of India.

BILL NO. 219 OF 2017

A Bill to remove homelessness in the country by providing for framing of a housing scheme aimed at providing dwelling units with all basic facilities at an affordable cost to every homeless family

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Removal of Homelessness Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) “family” means an adult citizen, his spouse and dependent children; and

(c) “prescribed” means prescribed by rules made under this Act.

Provision of dwelling units with basic facilities by the appropriate Government.

3. (1) The appropriate Government shall provide a dwelling unit with all basic facilities at an affordable cost to every homeless family.

(2) For the purposes of sub-section (1), the Central Government shall, in consultation with the State Governments, frame a time-bound national housing scheme to remove homelessness in the country.

(3) Notwithstanding anything in sub-section (2), the housing scheme shall provide for dwelling unit free of cost or at concessional rate to senior citizens, physically challenged citizens, citizens belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, citizens staying and sleeping on public roads or in parks, shelters and other public places and such other categories of citizens, as the appropriate Government may deem fit.

Appropriate Government to implement housing scheme.

4. The appropriate Government shall implement the national housing scheme with such targets and in such manner, as may be prescribed.

Central Government to provide requisite funds.

5. The Central Government shall, after due appropriation made by Parliament by law, in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

Overriding effect of the Act.

6. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in derogation of any other law in force.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in respect of any of the matters provided under this Act.

Power to make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Housing is one of the basic needs of every human being. Everyone wants to own a house for himself and his family, but there is a huge gap between supply and demand of housing and as a result the homelessness is increasing day by day. Lakhs of people are forced to live under the sky and face the vagaries of weather, be it scorching heat of the summer, torrential rains of the monsoon or chilling cold of the winter. In the cities, particularly in big and metropolitan cities, people live on footpaths, parks, bus stand sheds and other open spaces. A large number of people are also living in jhuggis, jhopris, kucha and semi-pucca hutments in inhuman conditions of filth and garbage without any of the basic amenities.

There are Housing Boards and Authorities in every State to address the housing problem of the citizens. But these Boards and Authorities have failed to meet the demand of housing by the citizens.

The right to safe and appropriate housing has been recognised and reaffirmed in all international and regional covenants and our country has ratified such covenants and, therefore, it is the foremost duty of the State to provide adequate housing to the needy and homeless citizens. Our Supreme Court too has recognized this right as an integral part of the right to life enshrined in article 21 of the Constitution. But in the absence of an effective law it is not possible to address the problem of housing and remove homelessness among citizens of the country.

Hence this Bill.

NEW DELHI;
November 28, 2017.

UDIT RAJ

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall provide a dwelling unit with basic facilities at affordable cost or free of cost, as the case may be, to every homeless family. Clause 4 provides that the appropriate Government shall implement housing scheme. Clause 5 provides that the Central Government shall provide adequate funds to the State Governments for implementing the provisions of this Act. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand five hundred crore per annum will be involved as recurring expenditure.

A non-recurring expenditure to the tune of rupees five hundred crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only as the delegation of legislative power is, therefore, of a normal character.

BILL NO. 214 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2017.

Short title.

2. In the Seventh Schedule to the Constitution,—

Amendment of
the Seventh
Schedule.

(i) in List I—Union List, Entry 56 shall be omitted;

(ii) in List II—State List, entry 17 shall be omitted; and

(iii) in List III—Concurrent List, after entry 32, the following entry shall be inserted namely:—

"32A. Regulation and development of inter-State rivers and river valleys.

32B. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power."

STATEMENT OF OBJECTS AND REASONS

Life is impossible without water. All living beings including human, animals and plants need water for their survival. Therefore, it is desirable that requisite amount of water is available without any hindrance for drinking and irrigation.

Around ninety-seven per cent. of the water on the Earth is salty water and only three per cent. is fresh water; slightly over two thirds of this fresh water is frozen in the form of glaciers and polar ice caps. The remaining unfrozen fresh water is found mainly as ground water.

Ground water is a renewable resource, yet the world's supply of ground water is steadily decreasing with the depletion of water table, most prominently in Asia and North America. It is still not clear that how much natural renewal balance of fresh water is available or whether ecosystem will be threatened for want of fresh water in near future. The framework for allocating water resources to water users where such a framework exists is known as water rights.

At present, water is a State subject and is considered as primary responsibility of the State Governments.

The Bill seeks to amend the Seventh Schedule to the Constitution with a view to transfer entry 56 of List-I Union List and entry 17 of List-II State List pertaining to 'Regulation and Development of Inter-State Rivers and River Valleys' and 'Water', respectively, to List-III Concurrent List so that the Central Government and the State Governments concerned can also play their due role for regulation and development of inter-State rivers and conservation and sustainable use of water to meet the growing needs of the society.

Hence this Bill.

NEW DELHI;
November 28, 2017.

BHAIRON PRASAD MISHRA

BILL NO. 220 OF 2017

A Bill to provide for compulsory national disaster response training for all able-bodied gazetted officers of the Central Government and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gazetted Officers of the Central Government (Compulsory National Disaster Response Training) Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires, —

Definitions.

(a) "gazetted officer" means a Group 'A' or Group 'B' gazetted officer, below the age of forty-five years, of the Central Government and includes officers belonging to All India Services but does not include officers of Indian Police Service, Central Armed Police Forces and Armed Forces; and

(b) "prescribed" means prescribed by rules made under the Act.

Compulsory
national
disaster
response
training to
Gazetted
Officers of the
Central
Government.

3. (1) The Central Government shall, within a period of five years from the date of selection or promotion, as the case may be, to a gazetted post provide national disaster response training to all able-bodied Gazetted Officers for a period of not less than three months.

(2) The national disaster response training referred to in sub-section (1) shall be imparted in such manner as may be prescribed.

(3) The Central Government shall establish such number of institutions and take such other necessary steps, as it may deem fit, to give effect to the provisions of sub-section (1).

Awarding of
certificate on
completion of
training.

4. Every gazetted officer who successfully completes training under sub-section (1) of section 3—

(i) shall be awarded a certificate to that effect by the Central Government; and

(ii) may, in situations of the natural and civil emergencies, be deputed to assist the Armed Forces, police or disaster management personnel.

Power to make
rules.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is definitely a good idea to have a well trained civilian as well as a trained National Disaster Response Force. Compulsory national disaster response training to all able-bodied Gazetted Officers of the Central Government will make them more smart, fit, mature and motivated. Such a step will provide trained volunteers whose services can be utilized during civil or natural emergencies like earthquake, tsunami, cloudburst, hailstorm or floods in an efficient manner.

The Bill, therefore, seeks to provide for compulsory national disaster response training to all Gazetted Officers of the Central Government with a view to develop a more strong sense of loyalty, duty and self-discipline among them and prepare a trained manpower in reserve to meet any eventuality or natural calamity.

Hence this Bill.

NEW DELHI;
November 28, 2017.

BHAIRON PRASAD MISHRA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for national disaster response training to be imparted to all able-bodied gazetted officers of the Central Government. It further provides for setting up of training institutions for the purpose of imparting national disaster response training. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees five hundred crore will be incurred per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 236 OF 2017

A Bill to provide for the compulsory use of bio-degradable packaging material in the supply and distribution of certain commodities with the aim to curb the usage of plastic and such other non-degradable material in packaging, and in the interests of the environment.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Bio-degradable Packaging Materials (Compulsory Use in Packing Commodities) Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "bio-degradable material" means any organic material that can be degraded by micro-organisms into simpler stable compounds and includes material made of paper or paperboard, bagasse, starch or cellulose or such other material or of such composition as may be notified by the Government from time to time in the Official Gazette, based on the recommendation of the Expert Committee as per the criteria laid down in section 3;

(b) "commodity" means—

(i) any essential commodity;

(ii) any article manufactured or produced by any scheduled industry;

(c) "essential commodity" shall have the same meaning as in the Essential Commodities Act, 1955;

10 of 1955

(d) "Expert Committee" means the Expert Committee constituted under section 4;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "scheduled industry" shall have the same meaning as in the Industries (Development and Regulation) Act, 1951.

65 of 1951

3. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government may, if it is satisfied, after considering the recommendations made to it by the Expert Committee, that it is necessary so to do, by order published in the Official Gazette direct, from time to time, and from such date, as may be specified in the order that—

Power to specify bio-degradable packaging material.

(i) certain packaging material shall be qualified as biodegradable and suitable for packaging; and

(ii) such commodity or class of commodities or such percentage thereof, shall, be packed for the purposes of its supply or distribution in such bio-degradable packaging material:

Provided that until such time as the Expert Committee is constituted under sub-section (1) section 4, the Central Government shall, before making any order under this sub-section, consider the matters specified in sub-section (2) of section 4, and any order so made shall cease to operate at the expiration of three months from the date on which the Expert Committee makes its recommendations.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

4. (1) The Central Government may, with a view to determine the scope of bio-degradable packaging material in addition and determining the commodity or class of commodities or percentages thereof in respect of which bio-degradable packaging material shall be used in their packing, constitute an Expert Committee consisting of such persons as have, in the opinion of that Government, the necessary expertise to give advice in the matter.

Constitution of Expert Committee.

(2) For the purposes of sub-section (1), the Central Government may take into consideration the experience of the experts in the academia, industry, commercial or social sector working particularly in the field of manufacturing of bio-degradable packaging material.

(3) The Expert Committee shall, after considering the following matters, indicate its recommendations to the Central Government with regard to the scope of bio-degradable packaging material, namely:—

- (a) the nature of the material, its durability and its ability to decompose effectively;
- (b) the cost of production of such material;
- (c) the probable reduction in the cost of solid waste management;
- (d) the impact of packaging costs;
- (e) the cost-benefit analysis of industrial *vis-a-vis* environmental costs;
- (f) the quantity of commodities which, in its opinion, is likely to be required for packing in bio-degradable material;
- (g) the nature of the commodity;
- (h) the consumption pattern of the commodity; and
- (i) such other matters as the Expert Committee may think fit.

(4) The salary and allowances payable to and other terms and conditions of service of the experts of the Expert Committee shall be such as may be prescribed.

Prohibition or packing in any material other than the bio-degradable packaging material.

5. Where an order has been made under section 3 requiring any commodity, class of commodities or any percentage thereof to be packed in bio-degradable packaging material for their supply or distribution, such commodity, class of commodities or percentage thereof shall not, on and from the date specified in such order, be supplied or distributed unless the same is packed in accordance with that order:

Provided that nothing in this section shall apply to the supply or distribution of any commodity, class of commodities or percentage thereof for a period of three months from the aforesaid date if immediately before that date such commodity, class of commodities or percentage thereof, were being packed in any material other than bio-degradable packing material.

Power to call for information and samples.

6. The Central Government may, by order, require any person, who is required to use bio-degradable material for packing under section 3, to furnish, for the purposes of this Act,—

(a) such information in his possession, with respect to any commodity or class of commodities or percentage thereof which requires such packing, to any officer specified by it, in such form and within such period as may be specified by that Government in the order; and

(b) such samples of bio-degradable packaging material for inspection by such officer at such places and within such period as may be specified by it in the order.

Power to enter and inspect.

7. Any officer authorised by the Central Government (hereinafter referred to as the authorised officer) may enter, at all reasonable times, any place, premises or vehicle where any commodity packed in bio-degradable packaging material is stored or kept for supply or distribution, and may require its production for inspection and ask for any information relating thereto.

Power to search and seize.

8. (1) The authorised officer may, if he has reason to believe that any commodity has been packed in contravention of section 5 and is secreted in any place, premises or vehicle, enter into and search such place, premises or vehicle for such commodity.

(2) Where, as a result of any search made under sub-section (1), any commodity packed in contravention of section 5 has been found, the authorised officer may seize such commodity and any other thing which, in his opinion, will be useful for, or relevant to, any proceeding under this Act:

Provided that where it is not practicable to seize any such commodity or thing, the authorised officer may serve on the person an order that he shall not remove, part with, or otherwise deal with, the commodity or thing except with the previous permission of the authorised officer.

2 of 1974.

(3) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this section.

9. (1) Whoever packs any commodity, class of commodities or any percentage thereof in any material in contravention of section 5 shall be punishable with fine which may extend to an amount equal to three times the cost of the bio-degradable packaging material which should have been used in accordance with the order made under section 3.

Penalty for
contravention
of section 5.

(2) Whoever, who has been previously penalised under this section, contravenes section 5 shall be punishable with fine which may extend to an amount equal to six times the cost of the bio-degradable packaging material which should have been used in accordance with the order made under section 3.

10. If any person, when required by any order made under section 5 to furnish any information or sample, fails to furnish such information or sample, or makes any statement or furnishes any information which is false in any material particular and which he knows, or has reasonable cause to believe, to be false or does not believe it to be true, he shall be punishable with fine which may extend to twenty thousand rupees.

Penalty for
false
statement, etc.

11. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge, of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by
companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in this sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section, the words "company" and "director" will have the same meaning as under the Companies Act, 2013.

18 of 2013.

2 of 1974.

12. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence punishable under this Act shall be cognizable.

Offences to be
cognizable.

13. The Central Government may, by order published in the Official Gazette, direct that the powers exercisable by it under any provision of this Act, other than the power to make orders under section 3 or under section 16 or to make rules under section 17, shall, in relation to such matters and subject to such conditions, if any, as may be specified in the order, be exercisable also by—

Power to
delegate.

(a) such officer or authority subordinate to the Central Government; or

(b) such State Government or such officer or authority subordinate to a State Government, as may be specified in the order.

14. The Central Government may give such directions as it may consider necessary to a State Government as to the carrying into execution of the provisions of this Act.

Central
Government to
give directions.

Protection of
action taken in
good faith.

15. No suit, prosecution or other legal proceeding shall lie against the Central Government, State Government or any officer or employee of the Central Government or of any State Government or any authorised officer for anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

Power to
exempt.

16. (1) If the Central Government is of the opinion that it is necessary or expedient so to do in the public interest, it may, by order published in the Official Gazette, exempt any person or class of persons, supplying or distributing any commodity or class of commodities, from the operation of an order made under section 3.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

Power to make
rules.

17. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India generates about sixteen thousand tonnes of plastic waste per day in the country, out of which, about nine thousand tonnes is recycled, while six thousand one hundred thirty seven tonnes remains uncollected and littered. Of the total waste, nearly forty three per cent. arises from packaging material, which is way over the world average of thirty five per cent. Growing economy with rise in per capita income has led to an increase in consumption of plastic for packaging of commodities in last few years. Consumption pattern and consumer behaviour has witnessed manifold increase in use of plastic bottles and plastic wrapping of products. The lack of awareness and absence of effective tools to collect the discarded plastic products including wrapping material has led to indiscriminate littering by plastic waste. However, with the promulgation of the Plastic Waste Management Rules 2016, there is now a formal and structured system in place in combating the issues of irregular management of plastics.

In a matter before the National Green Tribunal, the concern over usage of plastic in food and pharmaceutical packaging remains a bone of contention and wherein many a report by concerned stakeholders lay claims that such usage contributes to further harm, especially to consumers. Thus, to further the cause of a healthy environment, secure safety to consumers and to improve the system in combating plastic waste, it would be ideal that certain products be packaged using bio-degradable material. The need is to achieve that by creating a statutory mechanism by way of which the Government can mandate the compulsory usage of biodegradable material in packaging. It will push for a greater commitment towards making wise, environment-friendly choices in the manufacturing industry. Invariably, such a resolute show of interest by the Government will encourage and open up avenues for those who develop and manufacture bio-degradable packaging material.

Hence this Bill.

NEW DELHI;
November 29, 2017.

PARVESH SAHIB SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide for the constitution of an Expert Committee by the Central Government. It also provides for appointment for experts to the Committee. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that sum of rupees two hundred crore may involve as recurring expenditure per annum.

A non-recurring expenditure of rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of a normal character.

BILL NO. 262 OF 2017

A Bill to establish and demarcate two different Time Zones to provide for more systematic, inclusive and progressive governance and administration of the country and for matters connected therewith.

BE it enacted by the Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Reorganization of Time Zones Act, 2017.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “Eastern Indian Standard Time” refers to the time zone to be adhered to by the States of Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Assam, Meghalaya, Sikkim, West Bengal, Jharkhand, Chhattisgarh, Odisha and Bihar and the Union territory of Andaman and Nicobar Islands;

(b) “Time Zone” refers to a range of longitudes where a uniform standard time is used for commercial, social and legal purposes;

(c) “Universal Time Coordinated” means Coordinated Universal Time used as the primary time standard by the world to regulate clocks and time;

(d) “Western Indian Standard Time” refers to the time zone to be adhered to by the States of Gujarat, Rajasthan, Goa and Maharashtra, Madhya Pradesh, Uttar Pradesh, Andhra Pradesh, Telangana, Tamil Nadu, Kerala, Karnataka, New Delhi, Haryana, Punjab, Uttarakhand, Himachal Pradesh and Jammu and Kashmir and the Union territories of Puducherry, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep.

3. The Central Government shall, by notification in the Official Gazette, establish a separate Time Zone for the States of,—

Demarcation of Time Zones by the Central Government.

(a) Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Assam, Meghalaya, Sikkim, West Bengal, Jharkhand, Chhattisgarh, Odisha and Bihar and the Union territory of Andaman and Nicobar Islands at Universal Time Coordinated + 6.30 which shall, for all purposes, be referred to as the Eastern Indian Standard Time; and

(b) Gujarat, Rajasthan, Goa and Maharashtra, Madhya Pradesh, Uttar Pradesh, Andhra Pradesh, Telangana, Tamil Nadu, Kerala, Karnataka, New Delhi, Haryana, Punjab, Uttarakhand, Himachal Pradesh and Jammu and Kashmir and the Union Territories of Dadra and Nagar Haveli, Daman and Diu and Lakshadweep and Puducherry at Universal Time Coordinated + 5.30 which shall, for all purposes, be referred to as the Western Indian Standard Time.

4. (1) Notwithstanding anything contained in any other law for the time being in force, the National Physical Laboratory shall, in consultation with State Government concerned, implement and administer the Time Zones as referred to section 3 in all areas connected therewith.

National Physical Laboratory to Administer and Implement Time Zones.

(2) The National Physical Laboratory shall be responsible for the following, but not restricted to,—

(a) the realization, establishment, maintenance and dissemination of the Eastern Indian Standard Time and the Western Indian Standard Time as notified;

(b) creation and maintenance of a Time Zone database to disseminate information related to the functioning of the Time Zone;

(c) publishing information of the database on its website to enable public access;

(d) creation of a Time Zone map that is accurate, to be used for further reference; and

(e) maintenance of time and frequency measurements with respect to each Time Zone which shall include upgradation of the same when necessary.

5. The Central Government shall, in anticipation of initial logistical hurdles with respect to the inter-State functioning of the Railways, by notification in the Official Gazette, constitute an Authority to specifically overcome the difficulties arising during the bifurcation of two Time Zones and deal with all matters connected therewith.

Central Government to constitute an Authority for inter-State functioning of Railways.

6. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as it appears to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after expiry of one year from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

India stretches from 97.4 East in Arunachal to 68 East in Gujarat a difference of almost 30 degrees of longitude— that translates essentially into a time difference of two hours. Globally, across all the larger nations, all but China use multiple Time Zones for increased efficiency and productivity and easier coordination. Following two separate and specific Time Zones instead of one standard Time Zone will allow for greater productivity and efficiency for citizens as well as contribute to savings in energy consumption. Several precious daylight hours can be more effectively utilized instead of being overlooked.

In 2006 India's Planning Commission released a report that stated that having two Time Zones would lead to substantial energy savings. In a global scenario that is headed towards an energy crisis, India can lead the way in modifying its own practices to make a difference. The initial hurdles in the process of transition are a minor glitch when considering the long term convenience post implementation of the Time Zones and the overall positive impact it can have on the general well-being of citizens as well as providing a fillip to economic activity.

This Bill seeks to initiate a conducive framework for establishing and implementation of Time Zones more specific to the geographical co-ordinates of the area, eventually leading to more inclusive and systematic governance.

Hence this Bill.

NEW DELHI;
November 29, 2017.

GAURAV GOGOI

FINANCIAL MEMORANDUM

Clause 5 of the Bill empowers the Central Government to constitute an Authority to deal with logistic hurdles related to inter-State functioning of Railways after implementation of Time Zones. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about sum of about rupees twenty crore will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 215 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2017.

Short title and
commencement.

(2) It shall come into force with immediate effect.

2. After article 24 of the Constitution, the following article shall be inserted namely:—

Insertion of
new article
24A.

“24A. (1) All citizens shall have the right to adequate contamination free potable water, swachhata and sanitation.

Right to
contamination
free potable
water,
swachhata and
sanitation.

(2) The State shall take steps by suitable legislation or schemes or in any other way to provide adequate contamination free potable water, swachhata and sanitation to every citizen.

(3) The Union Government shall provide funds required for the implementation of the right conferred under Clause (1)”.

STATEMENT OF OBJECTS AND REASONS

Water is essential for the survival of all living things be it humans, animals, insects, reptiles, trees, plants etc. Water is also required for other necessities of life and cleanings. It is also required for irrigation, producing electricity etc. But unfortunately there is acute shortage of water particularly potable water though seventy per cent of our earth is covered with water mostly of the oceans. Mother nature also blesses the earth with adequate water in the form of rain and snow but most of it goes waste due to lack of conservation. In fact the pathetic condition today is that people are forced to drink water from stagnated ponds in some places from drains and such other sources. Most of the people particularly in rural India are compelled to consume ground water which is often contaminated with dangerous arsenic, fluoride, zinc, iron and such other metals and minerals which cause various diseases affecting the bones and other parts of the body as they have no other source of potable water.

Then there are drought prone and water scarce regions like Marathwada, Vidharbha and Madhya Maharashtra, Bundelkhand and areas in Eastern, Western and Southern parts of the country where drinking water is a luxury. Sanitation is another requirement for healthy life of the people. The present Government has launched nationwide *Swachhata Abhiyan* but much more needs to be done in this regard because heaps of waste can be seen everywhere including the national capital.

In the recent past the Supreme Court of India has interpreted article 21 of the Constitution as encompassing the right to food, safe water and sanitation as part of right to life. Though Parliament has enacted a law to provide food to every citizen, right to contamination free water and sanitation does not find any clear mention in either the Constitution or any other law of the land. Though there is no denying the fact that Union Government and State Governments are making consistent efforts to provide potable water and sanitation facilities to the citizens but much more desired to be done.

If the right to contamination free potable water, *Swachhata* and sanitation is made fundamental right the Union and State Governments will be forced to provide potable water and sanitation to all the citizens otherwise citizens can go to courts for enforcement of their fundamental right. This deterrence will force the Union and States to prepare comprehensive potable water and sanitation schemes and implement them more seriously.

Hence this Bill.

RAGHAV LAKHANPAL

NEW DELHI;
November 29, 2017.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides right to contamination free potable water, *Swachhata* and sanitation to all the citizens. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the expenditure at this juncture. However, it is estimated that a sum of rupees one thousand crore may involve as recurring expenditure per annum.

BILL NO. 267 OF 2017

A Bill further to amend the Protection of Children from Sexual Offences Act, 2012.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Protection of Children from Sexual Offences (Amendment) Act, 2017. Short title and commencement.

(2) It shall come into force on such date as the Central government may, by notification in the Official Gazette appoint.

32 of 2012.

2. In section 2 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the principal Act), in sub-section (1),— Amendment of section 2.

(a) after clause (d), the following clause shall be inserted, namely :—

‘(da) “database” means the details of the sexual offenders contained in the Sexual Offender Register under section 12B;’; and

(b) after clause (j), the following clauses shall be inserted, namely :—

‘(ja) “sexual offence” includes the offences of “penetrative sexual assault”, “aggravated penetrative sexual assault”, “sexual assault” and “aggravated sexual assault” as defined under sections 3, 5, 7, 9 and 11, respectively;

(jb) “sexual offender” refers to any individual charged with committing any sexual offence under this Act;

(jc) “Sexual Offenders Register” means the Register maintained under section I 2A;’.

3. After section 12 the principal Act, the following heading and sections thereunder shall be inserted, namely :—

“F.—ESTABLISHMENT OF A SEXUAL OFFENDERS REGISTRY

Maintenance of
Sexual
Offenders
Register.

12A. The State Government shall cause to be maintained a computerized Sexual Offenders Register containing details of sexual offenders in such manner as may be prescribed.

Content of the
Sexual
Offenders
Register.

12B. The Sexual Offender Register shall contain the following details of the sexual offender, namely:—

(a) name and surname, and every alias;

(b) date of birth and gender;

(c) the address of main residence and every secondary residence or, if there is no such address, the location of that place;

(d) the address of every place at which he is employed or retained or is engaged on a volunteer basis, or, if there is no address, the location of that place, the name of employer or the person who engages him on a volunteer basis or retains him and the type of work he does there:

Provided that in case of a police officer charged under section 9, the details regarding his status as an officer or a member of the Indian Police Service and the address and telephone number of his unit, if applicable, shall be recorded;

(e) the address of every educational institution at which he is enrolled or, if there is no such address, the location of that place;

(f) designated Aadhaar identification detail;

(g) height and weight and a description of every physical distinguishing mark that he has;

(h) the licence plate number, make, model, body type, year of manufacture and colour of the motor vehicles that are registered in his name or that he uses regularly, if any;

(i) the licence number and the name of the issuing jurisdiction of driving licence that he holds;

(j) the passport number;

(k) one mandatory proof of identification;

(l) the telephone number at which he may be reached;

(m) every offence to which the order relates;

(n) the time and place where the offence or offences were committed; and

(o) the time and place where he was convicted of; and

(p) such other details as may be prescribed:

Provided that in addition to information mentioned under clauses (a) to (p), if the person collecting the information is of the opinion that any observable characteristic that may assist in identification of the offender, including his eye colour, hair colour and photograph be taken, he may register such additional details.

12C. It shall be the duty of the local police authorities of each State to maintain the Sexual Offenders Register established under section 12A in such manner as may be prescribed.

Maintenance of Sexual Offenders Register.

12D. (1) A person who is subject to a judicial order and charged as a sexual offender under sections 3,5,7,9 or 11 shall register in person with the Sexual Offenders Register within seven days after such order is made along with details of offence in connection of which the order is made.

Obligation of sexual offenders to Register.

(2) When a sexual offender reports for registration, he shall provide the information as mentioned under section 12B accurately to the person who collects the information.

12E. A registered sexual offender shall, within seven days after the date of the change of any information submitted at the time of registration, notify the authorised person, who collects registration information, of any change in the information which he provided under section 12B.

Notification of change of information.

12F. Whoever knowingly contravenes provisions of sections 12B,12D or 12E shall be liable for imprisonment for a term which may extend upto three years or with fine which shall not be less than rupees five thousand but which may extend upto rupees ten thousand or with both.

Punishment for failure to register.

12G. It shall be the duty of the police officer responsible for registration of information of the sexual offender to register without delay the information in such manner as may be prescribed.

Responsibilities of police officer for registration.

12H. (1) It shall be the duty of the police officer to ensure that the registration of the information of the sexual offender is done in a manner and in circumstances that ensure its confidentiality and maintain privacy of sexual offender in a manner that is reasonable in the circumstances.

Confidentiality of information.

(2) Every information of the sexual offender registered shall be used only for the purposes of investigation of the offences punishable under this Act.

12I. No person shall have access to any information collected under this Act, unless the sexual offender is a member or employee of or a person retained by police who utilises the information for the purpose of preventing or investigating a crime of a sexual nature or an offence

Unauthorised access to information.

12J. No person shall disclose any information or fact collected under this Act or registered in the database or allow it to be disclosed, unless.

Unauthorised disclosure.

(a) it is required to enable him to prevent or investigate a crime of a sexual nature or to frame charge for such an offence;

(b) the disclosure is necessary to enable the prosecutor to determine whether a charge for an offence resulting from an investigation shall be framed;

(c) the disclosure is to a prosecutor, judge or justice in a proceeding relating to an application for a search warrant in connection with an investigation and the information is relevant to the application; and

(d) the disclosure is to a member or an employee of a police service outside India or to a person detained by such police, and is necessary to assist the police in the prevention or investigation of a crime of a sexual nature.

Punishment for unauthorised disclosure and consultation of information.

12K. Whoever knowingly contravenes provisions of section 12H or 12I shall be liable for imprisonment for a term which may extend upto six months or with fine which shall not be less than rupees two thousand but which may extend upto rupees three thousand or with both."

Insertion of new section 44A.

4. After section 44 the principal Act, the following section shall be inserted, namely :—

Inter-disciplinary research program to protect children from sexual abuse.

"44A. (1) The National Commission for Protection of Child Rights constituted under section 3, in consultation with the State Commission for Protection of Child Rights constituted under section 17, of the Commissions for Protection of Child Rights Act, 2005, shall, in addition to the functions assigned to it under this Act shall carry out a continuing inter-disciplinary program of research, including longitudinal research, that is designed to provide information required to protect children from sexual abuse and/or neglect of sexual abuse incidents and to improve the well-being of victims of child sexual abuse. 4 of 2006.

(2) Every research program under sub-section (1) shall include following but not restricted to—

(a) nature and scope of areas linked to the impact of child sexual abuse;

(b) causes, prevention, assessment, identification, treatment, cultural and socio-economic distinctions, and the consequences of child sexual abuse, including the effects of child sexual abuse and neglect on his development and identification of successful early intervention services or other services that are required;

(c) appropriate, effective and culturally sensitive investigative, administrative, and judicial systems, including multi-disciplinary, coordinated decision-making procedures with respect to cases of child sexual abuse;

(d) the evaluation and dissemination of best practices, including best practices to meet the needs of children with disabilities;

(e) effective practices and programs to improve activities such as identification, screening, medical diagnosis, forensic diagnosis, health evaluations, and services, including activities that promote collaboration between the medical community, including providers of mental health and developmental disability services; and

(f) evaluation of the redundancies and gaps in the Governmental services in the field of child sexual abuse.

(3) The National Commission for Protection of Child Rights shall, not later than three years after the commencement of this Act, in consultation with the State Commission for Protection of Child Rights, submit a report to the Union Ministry of Women and Child Development of its activities under this section."

Amendment of section 45.

5. In section 45 of the principal Act, in sub-section (2), after clause (d), the following clause shall be inserted, namely:—

"(e) the manner of carrying out the inter-disciplinary program of research under section 44A;".

STATEMENT OF OBJECTS AND REASONS

India is a signatory to the UN Convention on the Rights of the Child since 1992 that mandates all parties to take measures to prevent children from being coerced into unlawful sexual activity and create an environment that disallows this to happen. We are country where an estimated forty per cent. of our population is constituted by children and onus of ensuring their safety and security rests with us as representatives and in the interest of securing the future of our country.

In the year 2016, an alarming number of fifteen thousand cases have been registered under the Protection of Children from Sexual Offences Act, 2012 which means that every hour, two children are sexually abused in India. The fight against child sexual abuse deserves our undivided attention because it holds at stake the future of the children of this country. Child Sexual abuse can have a debilitating impact on children and while justice is important in cases of abuse, it is more important to create an environment that propagates prevention of any such offences.

The Protection of Children from Sexual Offences Act, 2012 has initiated a new wave of measures in the form of providing for child friendly procedures for reporting, recording of evidence, investigation and trial of offences to combat the appallingly widespread prevalence of sexual abuse against children and grant them access to justice. However, the disgruntling increase in the number as well as the brutality of sexual offences against children requires more stringent measures to be taken.

It is in securing this interest that this Bill seeks to establish a Sexual Offenders Register to better assist law enforcement officers in their job of preventing this sort of abuse that so often goes unnoticed and unreported. The registration requirements under this Act are intended to better assist law enforcement officers by providing them with an appropriate, comprehensive, and effective means to monitor those persons who pose such a potential danger.

The proposed register intends to be punitive in nature and is implemented to protect the community by reducing the likelihood that an offender will reoffend and to facilitate the investigation and prosecution of any future offences that they may commit. The purpose of the Bill is to help police services to prevent and investigate crimes of a sexual nature by requiring the registration of certain information relating to sex offenders and not to interfere with the process of rehabilitation of any offenders and hence seeks to maintain the registers as private, allowing disclosure only under certain conditions.

Child Sexual Abuse is an extensive problem and requires a series of administrative and preventive measures to comprehensively tackle it. The research on this issue has not received adequate importance in India because of lack of reporting or disclosure. Child Sexual Abuse is a multi dimensional problem having legal, social, medical and psychological implications and there is a need of a provision for greater research to understand this issue so as to be able to come up with better informed policies that are targeted at specifically and thoroughly researched areas.

There is need to provide an opportunity to conduct such research so as to identify the gaps in legislation for this issue along with identifying other areas that need to be addressed to ensure protection of children from sexual abuse.

Child sexual abuse is rampant, indiscriminate and cuts across class, region, culture and religion and needs to be addressed at the earliest.

NEW DELHI;

GAURAV GOGOI

November 29, 2017.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the State Government shall cause to be maintained a computerized Sexual Offenders Register containing details of sexual offenders under its jurisdiction. Clause 4 provides that the National Commission for Protection of Child Rights shall, in consultation with the State Commissions for Protection of Child Rights constituted under section 17 of the Commissions for Protection of Child Rights Act, 2005, to carry out a continuing inter-disciplinary programme of research, including longitudinal research, designed to provide information required to protect children from sexual abuse and/or neglect of sexual abuse incidents and to improve the well-being of victims of child sexual abuse. The expenditure relating to States shall be borne out of the Consolidated Funds of the State Government concerned. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees twenty crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees thirty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules relating to manner of carrying out the inter-disciplinary programme of research. As the rules will relate to matters of detail only, the delegation of legislative power is therefore of normal character.

SNEHLATA SHRIVASTAVA
Secretary-General.